

# **STATES OF JERSEY**



## **DRAFT ALCOHOL LICENSING (JERSEY) LAW 202- (P.112/2025): COMMENTS**

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**Presented to the States on 5<sup>th</sup> March 2026  
by the Economic and International Affairs Scrutiny Panel**

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**STATES GREFFE**

## COMMENTS

### Background

The Draft Alcohol Licensing (Jersey) Law 202- [\[P.112/2025\]](#) (the “draft Law”) was lodged *au Greffe* on 8<sup>th</sup> December 2025 by the Minister for Sustainable Economic Development (“the Minister”). The principles of the draft Law were adopted on 22<sup>nd</sup> January 2026. In accordance with Standing Order 73 the States Assembly agreed that the 2<sup>nd</sup> reading of a draft Law would take place at the sitting of 24<sup>th</sup> February 2025.

This short deferral reflected unresolved challenges relating to the practical implementation of the draft Law, with a series of associated amendments lodged. These largely relate to the body that would hold the responsibility of issuing Alcohol Licensing, which in the draft Law would be an updated form of the Gambling Commission.

During a Public Hearing on 12<sup>th</sup> February the Minister confirmed that he was willing to defer the debate of the draft Law in second reading, subject to States’ approval, until the 10<sup>th</sup> March 2026 to allow for additional scrutiny to take place.

The Connétable of St Mary joined the Panel as a co-opted member for the purposes of the Review. This Panel has undertaken public hearings and sought views from relevant stakeholders.

Although the Panel is mindful of associated Amendments, the Panel has focused its Review on the Minister’s proposals.

### Amendments

[P.112/2025 Amd.](#) was lodged *au Greffe* on 7<sup>th</sup> January 2026 by the Comité des Connétables (“the Comité’s Amendment”), for which the Minister presented comments on 16<sup>th</sup> January 2026 [\[P.112/2025 Amd.Com.\]](#). Primarily this seeks to transfer the responsibility of issuing Alcohol Licensing to the Parishes rather than the Gambling Commission as proposed in the draft Law.

A further Amendment was proposed by Deputy Philip Bailhache on 10<sup>th</sup> February 2026 [P.112/2025 Amd.\(3\)](#). This primarily aims to leave the responsibility of issuing alcohol licensing with the Licensing Assembly rather than the Gambling Commission as proposed in the draft Law.

Finally, the Minister subsequently lodged a further Amendment on 10<sup>th</sup> February 2026 [P.112/2025 Amd.\(4\)](#). Its primary objective is to transfer the responsibility of issuing Alcohol Licensing to the Government of Jersey, through the Regulation Directorate, rather than the Gambling Commission as proposed in the draft Law.<sup>1</sup>

### Matters Considered

#### Roles in Alcohol Licensing

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<sup>1</sup> The Panel notes the Amendment made by Deputy Alex Curtis relating to the provision of tap water by licences [\[P.112/2025 Amd.\(2\)\]](#) but has not passed comment at this time.

One of the largest proposed reforms under the draft Law is the transfer of the responsibility of issuing alcohol licences away from the Licensing Assembly, with the Minister outlining that this stemmed from the desire to bring alcohol policy into the democratic process:

*“...because of the separation of powers between the judiciary it is not possible for the Government to tell the judiciary what to do. If the Licensing Assembly stays as it is, it will not be possible for the Government in theory to have policy on one side that is then taken by the Licensing Assembly as its instructions as to how to implement that.”<sup>2</sup>*

The Panel questioned why the Minister is seeking to amend the draft Law, moving away from the original proposition to update the responsibilities of the Gambling Commission to include alcohol licensing and instead use designated officers within the Regulation Directorate:

*“While it was clear that Members were supportive of the principles and the vast majority of the Draft Law – they did express concerns over the choice of the Gambling Commission. I have therefore consulted with the Regulation Directorate, and with industry and prepared an amendment which seeks to retain the positive changes in the draft Law while also addressing the concerns expressed by States Members.”<sup>3</sup>*

Concerns over the involvement of the Gambling Commission had been raised during the consultation phase of the draft Law, with only 33% agreeing that they should be appointed, 27% not agreeing and 40% uncertain.<sup>4</sup>

The Minister has explained that through his Amendment he has chosen to place the power in named officers. The Panel understands the intention is to give maximum clarity to States Members and industry, and the Minister highlighted that vesting all power in the Minister could have created confusion as to how exactly the functions would be delivered. This would have also allowed a future Minister to rescind a previous delegation of functions and approve, revoke or suspend licences themselves.<sup>5</sup> When questioned on the practicalities of the authorisation the Minister said:

*“The Amendment sets out that an authorised person, for the purposes of the Law would be the Chief Officer of Regulation Directorate and any officer of that administration designated by the Chief Officer to be an authorised person. This means that there would be multiple authorised persons, but different responsibilities could be held by different officers. For example, the Chief Officer could delegate responsibility for handling applications to a Technical Support Officer whilst reserving decision making functions to more senior officers.”<sup>6</sup>*

A full list of indicative delegation within the Regulation Directorate is included within the report to the Amendment, with examples including:

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<sup>2</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) Page 4

<sup>3</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>4</sup> [Licensing Law consultation, May 2025](#)

<sup>5</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>6</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

| Description                 | Delegation                                                                                                                                                                                                                                                                                                         | Comments                                                                                                                                                                                                               |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application for licences    | Group Director Regulation, Head of Environmental and Consumer Protection, Regulation Standards Manager, Regulation Senior Standards Officer, Regulation Standards Officer, Regulation Standards Senior Technician, Regulation Standards Technician, Technical Support Officer, Assistant Technical Support Officer | Existing process already undertaken by the Regulation Directorate                                                                                                                                                      |
| Inspection of Premises      | Group Director Regulation, Head of Environmental and Consumer Protection, Regulation Standards Manager, Regulation Senior Standards Officer, Regulation Standards Officer                                                                                                                                          | Existing process already undertaken by the Regulation Directorate                                                                                                                                                      |
| Grant or refusal of licence | Group Director Regulation, Head of Environmental and Consumer Protection, Regulation Standards Manager, Senior Regulation Standards Officer                                                                                                                                                                        | Licences are currently issued by Regulation under various legislation for example Waste Management (Jersey) Law 2005, Water Resources (Jersey) Law 2007, Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 |

*Example delegations<sup>7</sup>*

During the Panel's hearing with the Comité des Connétables concern was raised that authorising Government of Jersey Officers to be the decision makers in Alcohol Licensing could lead to unnecessary bureaucracy and reduce the gravitas of permitting:

*"I feel, by delegating that function to a bureaucrat or a fonctionnaire, as I probably would call it, is probably not correct. It takes the gravitas out of the whole process, and that is what the Licensing Bench retains, hence the enthusiasm for keeping with them."*<sup>8</sup>

The role of the Parishes was also discussed during the course of the Review, with the Comité des Connétables identifying that the Parish undertook preparatory work to

<sup>7</sup> [Letter- MS&ED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>8</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 4

ensure managers of establishments were the “right person”<sup>9</sup> and providing advice to those applying for a license. Officers of the Regulation Directorate identified to the Panel that the Minister’s Proposals would allow Parish’s to make their recommendation in a similar way as they do under the [Licensing \(Jersey\) Law 1974](#) (the current Law), highlighting:

*“Once the directorate receives a recommendation from the parish, inclusive then of the public comments and also the representations made at the Parish Assembly, in making a decision in line with the alcohol policy framework we would take into account all of the public comments that were made and in preparing a decision for a licence we would also then make public on the Government of Jersey website the licence, the conditions and the reasons for the decision. So in that way we are really respectful of making sure that we have transparent decision-making and then everybody can see where their input and their comments has formed in terms of making that final decision.”*<sup>10</sup>

**Panel conclusion:** Noting the Regulation Directorate’s current role and the rationale he has provided, the Panel understands the Minister’s proposals to establish the Directorate as the function responsible for regulating the sale of alcohol.

#### Parish Assemblies and Consultation on Licences

During the course of the Review the Panel has heard that members of the public should be able to pass comment and be involved in Alcohol Licensing decisions. The Comité des Connétables raised concerns to the Panel that the right for members of the public to have this opportunity would be removed should decision making be transferred to the Regulation Directorate.<sup>11</sup>

The Chair of the Comité des Connétables also communicated the importance of Parish Assemblies:

*“My view is it that it should always go to a Parish Assembly because with most applications, generally there are a variety of views and you have to take them all on board, and then of course there is a vote at the end of that Assembly. Those votes are noted and that is in turn recorded and the report is sent to the Licensing Bench. Anybody who speaks at that Parish Assembly is entitled to speak at the Licensing Bench, so if there are strong views, they have 2 opportunities really to say their piece.”*

The Minister has confirmed that under the current Law only Parish Assemblies are required to be consulted with as part of an application, and that this will continue under his proposals.<sup>12</sup>

The Minister has highlighted that his proposals would give the Parish Connétables powers to refer matters to the Regulation Directorate which would allow them to request

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<sup>9</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 17

<sup>10</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 13

<sup>11</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 6

<sup>12</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

a review of a licence at any time. This mirrors current arrangements of the Attorney General.<sup>13</sup>

The Minister has also confirmed that, following a proposal by Deputy Alex Curtis, a public submissions function will be introduced through a notification page on gov.je which will also be used to notify the public about the date of the relevant public assembly.<sup>14</sup> The Panel notes, however, that the Chair, Comité des Connétables, was uncertain about the merits of such a development.<sup>15</sup>

The importance of and formal requirement for taking the views of the public into account was outlined by the Group Director - Regulation, Infrastructure, Housing and Environment Department:<sup>16</sup>

*“They [authorised Officer] would also take into account the public comments that have been submitted, and that is a new proposal as part of this amendment as well, and then weigh up all the material considerations in line with the alcohol policy framework. That is quite a key aspect to make sure that decisions are made in accordance.”<sup>17</sup>*

The Minister has confirmed that, as within the current Law, a licence could be granted or refused against the Parish recommendation. However, under these proposals the Regulation Directorate would need to provide a written explanation if it does choose to go against the recommendation of the Parish Assembly.<sup>18</sup>

The Minister confirmed that consideration of the need for a Parish Assembly in all instances has been considered:

*“I think you could design a system which does not involve a Parish Assembly. It is quite possible to do that and certainly our first iteration of our proposal gave the power to the Connétable of any parish to decide on an ad hoc basis whether they wanted to have a Parish Assembly for licensing application or not. It was the Constables who felt that that should be mandatory and we changed it to mandatory. I do not quite understand why the Connétables wanted that to be mandatory because I think to have an option is a greater power than to have no option.”<sup>19</sup>*

The Jersey Hospitality Association also queried the requirement for Parish Assemblies in all instances, with the Co-Chief Executive Officer outlining:

*“I think one of the things that we had drawn as a bit of a red flag from the original drafts of the first proposition through to when it was originally filed was our understanding was that the Economy Department had met with the Comité des Connétables on a number of occasions and out of those meetings came the desire to change the fact that a parish assembly should be an option*

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<sup>13</sup> [Letter- MSed to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>14</sup> [Letter- MSed to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>15</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 20

<sup>16</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 13

<sup>17</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 13

<sup>18</sup> [Letter- MSed to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>19</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) Page 19

*or a discretion of the Constable of the parish and turn it into a mandated part of the process. The industry suddenly thought, well, why? Is that not just a doubling up of an application process? If it is an off-licence that already exists that you are then taking over the lease for and you are applying for, surely the Constable should be able to say: "That village shop has been selling cans of beer for 47 years and therefore we probably do not need a parish assembly in order to do it."* <sup>20</sup>

The Panel also understands that under article 9 of the [Loi \(1804\) au sujet des assemblées paroissiales](#) a Parish Assembly must be convened within two weeks of a request in writing by 10 or more parishioners through a *requête*.<sup>21</sup>

**Panel conclusion:** The Panel is, on balance, satisfied that consideration and methods to allow members of the public and Parishioners to share the views on Alcohol Licence applications has been included in the Minister's proposals.

Whilst some evidence suggested that there should not be an automatic requirement to convene Parish Assemblies for all alcohol licensing applications, the Panel concluded, after consideration, to not pursue an amendment to this element at this stage. The Panel considers that retaining the current requirement would be beneficial during the transitional period, providing continuity as the new system is introduced. It would also act as a useful interim safeguard to ensure that Parish Assemblies remain informed.

The Panel recommends that this requirement be kept under review as the new system develops, with continued monitoring of how the two systems operate in parallel and of the resulting impact on the Parishes. Following a period of operation under the new arrangements, a formal review should be carried out in consultation with the Comité.

## Appeals

The Minister has outlined that his proposals would allow a clear route to appeal, with the Minister's Amendment establishing that a person, including a Parish, aggrieved by a relevant decision will be able to appeal to the Royal Court, on the ground that the decision was unreasonable. The Minister has outlined that this allows appropriate escalation of an appeal:

*"if somebody disagrees with that decision, they then have a clear body - and it is a learned body, the Licensing Assembly - to appeal to. That would be appropriate use. I think there is one other reason why you should not, in my view, maintain the Licensing Assembly as the administrative body is because at the moment you cannot really appeal anywhere except to the Royal Court. Of course, the Licensing Assembly is the Royal Court and so you are appealing to the same body, effectively, that decided your application"* <sup>22</sup>

The Panel was informed by the Group Director - Regulation, Infrastructure, Housing and Environment Department that publication of a report that outlines the way decisions

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<sup>20</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) Page 19

<sup>21</sup> [R.187/2024 PARISH ASSEMBLIES: A BETTER LEGISLATIVE FRAMEWORK](#)

<sup>22</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 6

would be made will allow the public to scrutinise decision-making and access a route of appeal.<sup>23</sup>

The Panel understands that appeals of alcohol licensing decisions are currently rare, with the Vice-Chair, Comité des Connétables advising that he could not recall an appeal to the Royal Court within 25 years.<sup>24</sup>

The Jersey Hospitality Association outlined their concerns to the Panel:

*“I think the industry’s opinion is that the highest court in the land should not be the first instance regulator. It should be there for the jurats to be where you go for an appeal at the last stage of appeal, where you go if you violate the Alcohol Licensing Law. It is not where you begin, it is where you should end. There is huge concern that if it starts there, then there is no appeal process.”*<sup>25</sup>

The Panel understands that Article 12 of the amended draft Law, will still allow for matters to be referred for review and simply changes the wording to reflect the enhanced role of the Regulation Directorate (‘commission’ is replaced with ‘authorised person’).<sup>26</sup>

Following consideration the authorised person, within the Regulation Directorate could suspend or revoke the licence or impose conditions. The Regulation Directorate would be required to give the licensee an opportunity to respond to the matters raised before imposing or varying any licence conditions.

**Panel conclusion:** The Panel notes that the Minister’s Proposals include adequate provisions for internal review within the Regulation Directorate and for appeals to the Royal Court. It also considers that the proposals establish a clear and transparent process, with reasonable scope for appeals.

### Setting Alcohol Policy

The accompanying report to the unamended draft Law further outlines that an Alcohol Policy Ministerial Group would develop an Alcohol Policy Framework for the Island including, but not limited to guidance to the Commission on subjects such as:

- Opening and closing times
- Drinks promotions and minimum pricing
- The definition of a fit and proper person
- Public health considerations

During the course of the Review, the importance of the Alcohol Policy Framework was highlighted by witnesses to the Panel, with the Jersey Hospitality Association outlining:

*“The policy, the alcohol policy group. I think that is something that is really critical to this. That document is the bible, effectively, because with a regulation department, they can only act on that document. So that document is going to*

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<sup>23</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) Page 19

<sup>24</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 12

<sup>25</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 15

<sup>26</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) Page 14

*have to be able to be adaptable, reviewed, updated, fit for purpose and have the right people feeding into it. If that is the case, then it works well.”*<sup>27</sup>

The Minister has indicated in the accompanying report that, if adopted, the framework will be in place before the draft Law is enacted and will be finalised and lodged following the June 2026 General Election. Indeed, the need for a timely resolution of the Alcohol Policy Framework was identified by the Adviser to Parish of St. Helier:<sup>28</sup>

*“It is going to be, I think, particularly important for whoever is taking the decision to understand that they are going to be effectively triaging applications with reference to, I think primarily, that policy guidance statement that you cannot see yet, even if draft, because it has not been written. Whoever the determining authority is, it is going to have additional work to do themselves to understand what they are being asked to take a decision on, just as stakeholders are going to have to potentially do a little bit more work to understand what it is that they might want to express a view on.”*<sup>29</sup>

The unamended draft Law does not specifically establish the Alcohol Policy Group, and instead establishes that the Minister would be required to provide guidance to the Commission following consultation with the Minister for Justice and Home Affairs, the Minister for Health and Social Services and the Comité des Connétables and obtain the approval of the States Assembly. The Minister’s amendment will instead establish an Alcohol Policy Group, which will be required to prepare or revise an Alcohol Policy Framework that must be lodged au Greffe for debate by the States Assembly.<sup>30</sup>

The Alcohol Policy Group will consist of:

- Minister for Sustainable Economic Development (Chair)
- Minister for Health and Social Services
- Minister for Justice and Home Affairs
- The Attorney General
- A representative of the Comité des Connétables
- Connétable of St Helier

The accompanying report to the Minister’s Amendment notes that the list does not prevent the Alcohol Policy Group from consulting with other stakeholders or indeed from undertaking a public consultation.

The Panel questioned why the Minister’s Amendment proposed to insert Articles legally establishing the Alcohol Policy Group and Alcohol Policy Framework, whereas the draft Law only included that the Minister may have given guidance to the Commission. The Minister identified that although it was not initially thought to be necessary to place the Alcohol Policy Group onto a statutory basis (although the Minister would have always been required to consult with the Minister for Health & Social Services and the Minister for Justice & Home Affairs prior to issuing guidance) this was proposed to provide more clarity following the request of States Members.<sup>31</sup>

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<sup>27</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 13

<sup>28</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 13

<sup>29</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 13

<sup>30</sup> [Article 3, P.112/2025 Amd.\(4\)](#)

<sup>31</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

The Panel also questioned why the Connétable of St Helier would be introduced as a named member of the Alcohol Policy Group and was informed by the Minister:<sup>32</sup>

*“It was that anticipated in the initial report that the representative of the Comité would typically be the Connétable of St Helier, given the significant share of licensed premises within the Island’s capital. In formalising the Alcohol Policy Ministerial Group, we have therefore taken the opportunity to explicitly require that the Connétable of St Helier be a member but have also retained the ability of the Comité to propose another Connétable to join.”*

The Panel notes the role of the Attorney General in the Alcohol Policy Group and is concerned that the intended shift of responsibility for alcohol policy away from the Attorney General and the Licensing Assembly to the newly constituted Alcohol Policy Group blurring the distinction between elected members and the court when it comes to policy decisions. The Jersey Hospitality Association concisely outlined the point during its public hearing:

*“Now, we do not think the A.G. (Attorney General) necessarily needs to be in there now (the Alcohol Policy Group). Legal advice is something that can be given. It does not necessarily need to be involved in the process of it.”*<sup>33</sup>

In the Panel’s view, this risks diluting and potentially undermines the objective of creating a distinct policy-making body separate from the previous arrangements.

**Panel conclusion:** The Panel has lodged [an amendment](#) which proposes the removal of the Attorney General as a named member of the Alcohol Policy Group in order to properly ensure an appropriate separation of powers. The amendment would not prevent the Alcohol Policy Group from seeking legal advice from the Attorney General, as required.

### Enforcement

The Panel has questioned how Alcohol Licensing would be enforced under the Minister’s Proposals.

The Minister has outlined that the new power of “Directions” would sit with the Regulation Directorate, which would enable them to formally instruct a licensee to correct an issue without necessarily reviewing the license in its entirety.<sup>34</sup>

Furthermore, with regards to the proposed enforcement approach, the Licensing Assembly informed the Panel that views the proposed enforcement approach as “*an improvement.. the current law causes the Licensing Assembly difficulty in respect of the revocation of a ‘current’ licence where no breach of the law is apparent*”.<sup>35</sup>

The Minister has also highlighted that the draft Law also retains offences where a licensee or their agent has broken the Law or breached the terms of their licence meaning that fines will still be issued but only as part of a sentence issued by the Court, rather

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<sup>32</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>33</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 13

<sup>34</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>35</sup> [Submission - Licensing Assembly to Economic and International Affairs Scrutiny Panel re: Draft Alcohol Licensing Review - 3 March 2026](#)

than being issued as spot fines by the Regulator.<sup>36</sup> Furthermore, the Minister has identified that both the Honorary Police and States of Jersey Police will retain their right to enter and inspect licenced premises.<sup>37</sup>

The Panel questioned why proposed Civil Penalties included in the draft Law would be removed from the Minister's Proposals by his amendment and was informed that following the discourse by Members during the debate of the principles he agreed that civil financial penalties are not necessary in the new Law. The Panel questioned how this would impact enforcement and was informed:<sup>38</sup>

*"Enforcement under the existing 1974 Law is navigated largely via the ability of the Attorney General to refer a matter to the Licensing Assembly via Article 9. The Licensing Assembly is then empowered in the Law to revoke or suspend a licence and this will remain the ultimate sanction in the new Law."*

The Minister identified that his proposals would allow the Chef de Police to close down premises in consultation with the States of Jersey Police.<sup>39</sup> The Panel was informed by the Minister's team that the bar for a closure would be fairly high and that there was option for appeal after the fact,<sup>40</sup> and that the Honorary and States of Jersey Police were considering developing an M.O.U. (memorandum of understanding).

The Chair, Comité des Connétables highlighted concern that the Regulation Directorate may lack ability to carry out enforcement:

*"At present each parish has its own Honorary Police and they in fact form part of the process of enforcement. With due respect to the Planning Department - because it is all the same thing - they are not very good at enforcement. I am not criticising any staff members at all, but we see regularly complaints from the public about things not being enforced, so I do question really whether there is the ability to carry out the enforcement that we would feel may be necessary...<sup>41</sup> I think truthfully - and it will be the same with the Regulation Directorate - it is down to encouragement, and enforcement is the last string on the bow. I think we have to be cognisant that if you close a licensed premises down for whatever reason, there could be a financial consequence, and while that should not override the reason for closing it, it is something that has to be considered as there may be subsequent claims if you get it wrong."*<sup>42</sup>

This was refuted by the Group Director - Regulation, Infrastructure, Housing and Environment Department when the Panel questioned if they had sufficient staff trained for inspection:

*"Yes, we definitely have the capacity and also the capability. The Regulatory Directorate, as you know, Constable, regulate over 35 different pieces of legislation, all with different decision-making powers, on behalf of Ministers*

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<sup>36</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>37</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>38</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>39</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 28

<sup>40</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 29

<sup>41</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 6

<sup>42</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 10

*and on behalf of Chief Officers. Mostly those decisions are made in accordance with policy frameworks. That is something very similar. The key thing for regulation is the consistency of the function. So irrespective of the subject area, what we try to maintain is a consistent, proportionate and fair approach to regulating. I think that is why we can adapt to different subjects like alcohol licensing to other types of licensing, food regulations or housing regulations and different types of subject areas. It is because we maintain that consistency in the functioning of the administration of the laws. ”*<sup>43</sup>

The Regulation Directorate also confirmed they had the ability to ask for legal advice:

*“I can speak generally to the laws that we do regulate. We would seek the opinions generally when we are collecting evidence. So if we see that there is an enforcement potentially could occur, we would then consider taking advice. We have processes and procedures with both the departments and the Law Officers and I meet regularly with the Attorney General to ensure that the Attorney General and the way that they would want things to come forward is complied with so we have a working relationship. ”*<sup>44</sup>

The Group Director - Regulation, Infrastructure, Housing and Environment Department highlighted that referral to Law Officers would be seen as a last resort and that engagement and explanation to seek voluntary compliance was critical to the mission and philosophy of the Regulation Directorate.<sup>45</sup>

The Licensing Assembly in its response to Panel questions with regards to the Minister’s proposals noted that *“to replace the current ‘team’ that processes the licensing applications, we estimate that the new authority will require two or three full-time staff...Creating a new team to deal with these applications stands the risk of creating new jobs which by their nature must be full-time jobs but are unlikely to require full-time work.”*<sup>46</sup> The Group Director - Regulation, Infrastructure, Housing and Environment Department stated to the Panel that it was felt that the current team had the necessary skills and capacity to undertake the work and did not anticipate a significant increase in workload.<sup>47</sup>

**Panel conclusion:** The Panel is satisfied that the Minister’s proposals include sufficient enforcement, both through the Regulation Directorate as licensing authority, maintaining and enhancing the existing powers of the Honorary Police and States of Jersey Police.

### Streamlining

The Panel has been informed that a simplification of the number and type of alcohol licensing categories is positive, with the draft Law establishing three:

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<sup>43</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 12

<sup>44</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 16

<sup>45</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 16

<sup>46</sup> [Submission - Licensing Assembly to Economic and International Affairs Scrutiny Panel re: Draft Alcohol Licensing Review - 3 March 2026](#)

<sup>47</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 22

- (a) the On-Licence;
- (b) the Off-Licence; and
- (c) the Special Events Alcohol Licence

This received support during the Panel's hearings with the Comité des Connétables,<sup>48</sup> and the Jersey Hospitality Association, which outlined:

*"I think keeping with the 3 is so much common sense. Everybody that has been part of the consultation came back saying: "Oh, this is so simple, this makes so much sense." So that has been really well received. Yes, just very clear and straightforward. So I think it will open up opportunities for new businesses to come on to the stage, so to speak, where they can say: "I get this. I can get my head around this in my business. It is on or off-licence, great" and put that in their business plan. Because I think overall, dealing with such an old law, it has been intimidating for newcomers." "*<sup>49</sup>

The Parish Secretary for St Helier also acknowledged the difficulty in the current system:

*"I think businesses do find it difficult to do 3 different things that they have to go through. They do find that onerous and I think anyone would. I find it quite frustrating from a parish point of view that we tend to be - well, I feel - the first point of contact, but then I have to push them to the Government to make their application, then when their application is made it comes back to me, we collect together all the reports, we put it to the Parish Assembly, then I push it to court. So I do realise that they are pushed from pillar to post..." "*<sup>50</sup>

Further modifications in the Minister's proposals were also identified by the Jersey Hospitality Association, for example residency requirements and the ability for a single portal to be established for application to multiple licences, such as catering, in the future.<sup>51</sup> The Panel also received submission by business in support of the Minister's proposals.<sup>52</sup>

**Panel conclusion:** The Panel supports the provisions contained in the Minister's Proposals to modernise alcohol licensing, particularly through the reduction in the number of categories.

#### Fees and Resource Implications

Under the Minister's proposals alcohol licensing fees will be updated in line with category proposals, with the accompanying report identifying an indicative level:

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<sup>48</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 4

<sup>49</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 20

<sup>50</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 22

<sup>51</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 17

<sup>52</sup> [Submission - Draft Alcohol Licensing Law Review - The Salty Dog Cafe, Bar & Bistro - 27 February 2026](#)

|                                                     | Current fee, £ | Current fee adjusted for inflation, £ | Proposed fee, £ |
|-----------------------------------------------------|----------------|---------------------------------------|-----------------|
| Small off-licence<br>(premises < 50m <sup>2</sup> ) | 114            | 207                                   | <b>100</b>      |
| Large off-licence<br>(Premises >50m <sup>2</sup> )  | 114            | 207                                   | <b>550</b>      |
| On-licence                                          | 434*           | 788                                   | <b>550</b>      |
| Event                                               | 40             | 62                                    | <b>100</b>      |

\* As noted in Appendix 2 the fee for on-licences (any category excluding 6) varies. Licensees may also hold several categories at once for the same set of premises.

These fees will be set by Ministerial Order would be effective no earlier than 2027 following consultation.<sup>53</sup> The Minister has confirmed that fees were currently paid to the Regulation Directorate and this will continue under his proposals.<sup>54</sup> The Jersey Hospitality Association has indicated that they believe the fee structure to be fair.<sup>55</sup>

The Minister has outlined that there will be some operational changes to the Regulation Directorate however that this already supports the administration of the current Law and similar including the running of all digital systems associated with the law (application, database of licensees, collection of fees etc).<sup>56</sup> The Minister has further outlined that greater sharing of resources across the Directorate will be enabled by merging some of the processes and inspections performed across similar legislation.

The Chair, Comité des Connétables identified the view that there may be challenges for the Regulation Directorate resources:

*“My feeling is that they [the Regulation Directorate] deal with the situation as it is at the moment, but if it expands more to enforcement or, shall we say, the more difficult applications, where it simply takes more time to process for whatever reason, I think it will be more challenging. All departments are struggling for resource and the department will probably need more resource to do that.”<sup>57</sup>*

The Group Director - Regulation, Infrastructure, Housing and Environment Department however highlighted that they had been administering the Licensing Law since 2020 and that staff, as well as existing data infrastructure, was already in place,<sup>58</sup> however did acknowledge that there would be additional work:

*“In terms of the volume of new applications, so the additional work that potentially regulation would cover is the decision-making on new applications*

<sup>53</sup> [P.112/2025](#)

<sup>54</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 17

<sup>55</sup> [Transcript - Alcohol Licensing Review Hearing- Jersey Hospitality Association - 27 February 2026](#) page 19

<sup>56</sup> [Letter- MSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>57</sup> [Transcript - Alcohol Licensing Review Hearing-Comité des Connétables - 23 February 2026](#) page 7

<sup>58</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 11

*for the year, which are approximately between 30 and 40. So on the whole, taking into account quite a lot of work being done with the parishes, taking into account the parishes' recommendation, referring to the alcohol policy framework and summarising the public comments would potentially be... possibly a day or a day and a half in terms of doing a report and making that decision. Across a year, with the officers we have, that is not a substantive amount of additional work. So although all departments are stretched and, yes, budgets are tight, as we said, regulation is effectively a 90 per cent staff cost budget, so with the team that we have currently ... we also have the educational qualifications and skills within the team who have experience of making decisions on alcohol licensing from other jurisdictions. So we feel that we have the qualifications and skills, the capability to do it.”<sup>59</sup>*

**Panel Conclusion:** The Panel is content that the Regulation Directorate will be able to meet the resource requirements of alcohol licensing. Although fees will need to be set at a later date by the Minister, the Panel is encouraged that these will be simplified and appear relatively fair.

#### Transition and Future Work

The Minister has outlined that if adopted, the draft Law would come into force in Q1 2027 and that the transitional provisions would allow licences approved under the current Law to continue to run until the end of 2027, meaning that licensees would not be required to reapply.<sup>60</sup> The Minister outlined:

*“the Regulation Directorate will use its existing database to transition licensees onto the new licence format. Where a licensee only holds one category of licence this will be a like for like copy of conditions. Where a licensee holds multiple licences for the same premises, they will be issued with a new single licence amalgamating their existing conditions into a single licence. Licensees will be able to request a review of their new licence via Article 12 of the Draft Law should they wish, for example, to request a change in opening hours and this would then be determined in accordance with the Alcohol Policy Framework and feedback from stakeholders.”<sup>61</sup>*

Should the draft Law be adopted in second reading, further debate will still be required, notably of the Alcohol Policy Framework which will need to be agreed prior to the law being enacted. As such the draft Law, if adopted, will come into force on a day to be specified by the Minister by Order (Article 71 of draft Law) with the accompanying report identifying:<sup>62</sup>

The Minister has also identified that it will be useful to define excessive noise (which is a general condition for on-licenses) either in policy guidance or via regulations and this will be considered as part of the development of the Alcohol Policy Framework. The Minister will also need to make a Ministerial Order to set alcohol licensing fees.<sup>63</sup>

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<sup>59</sup> [Transcript - Alcohol Licensing Review Hearing-Minister for Sustainable Economic Development and Regulation Directorate - 23 February 2026](#) page 22

<sup>60</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>61</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

<sup>62</sup> [P.112/2025](#)

<sup>63</sup> [Letter- MSSED to EIA re Alcohol Licensing Law - 19 February 2026](#)

**Panel Conclusion:** The Panel supports the transitional arrangements and will note relevant points for further scrutiny in its legacy report.

## **Conclusion**

The Minister's proposals appear to meet the draft Law's stated principles of updating Jersey's alcohol licensing regime to one that is modern, proportionate and fit for purpose. Although the Panel's Review has been conducted in a short timeframe, it would appear that the Articles proposed by the Minister, including through his amendment, are practically workable.

The Panel has lodged one Amendment following its review, which seeks to remove the Attorney General from the Alcohol Policy Group to ensure appropriate separation of powers.

The Panel is therefore largely accepting of the draft Law and Minister's Amendment, pending debate of its own [Amendment](#).

## **Statement under Standing Order 37A [Presentation of comment relating to a proposition]**

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These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A due to the States sitting being brought forward from Tuesday 10th March to Monday 9th March, which in turn advanced the deadline by one day.

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