



Economic and International Affairs Scrutiny Panel

Alcohol Licensing Review

Witness: Comité des Connétables

Monday, 23rd February 2026

Panel:

Deputy M. Tadier of St. Brelade (Chair)

Deputy K.M. Wilson of St. Clement (Vice-Chair)st. mary

Deputy M.B. Andrews of St. Helier North

Connétable D. Johnson of St. Mary

Witnesses:

Connétable M.K. Jackson of St. Brelade, Chair, Comité des Connétables

Connétable A.S. Crowcroft of St. Helier, Vice-Chair, Comité des Connétables

Connétable K.C. Lewis of St. Saviour

Mr. I. Clarkson, Adviser to Parish of St. Helier

Ms. A. Roberts, Parish Secretary

[11:49]

Deputy M. Tadier of St. Brelade (Chair):

Good morning, Connétable. Thank you for coming in. In a moment I will just introduce ourselves. As a panel, we are here to talk about the alcohol licensing proposition that the Minister for Economic Development is bringing forward, as well as a number of amendments that have been tabled, including one by your comité. So I am Deputy Montford Tadier. I chair the Economic and International Affairs Scrutiny Panel.

Deputy K.M. Wilson of St. Clement (Vice-Chair):

Deputy Karen Wilson, Vice-Chair.

Deputy M.B. Andrews of St. Helier North:

Deputy Max Andrews.

Connétable D. Johnson of St. Mary:

Constable David Johnson, co-opted for the purpose of this review.

Deputy M. Tadier:

Thank you.

Chair, Comité des Connétables:

Mike Jackson, Chair of the Comité des Connétables.

Vice-Chair, Comité des Connétables:

Simon Crowcroft, Constable of St. Helier.

Connétable K.C. Lewis of St. Saviour:

Kevin Lewis, Constable of St. Saviour.

Deputy M. Tadier:

Thank you. We appreciate having you in. As you are aware, this has already been debated in the First Reading. It was passed in the First Reading and then it just was not moved in the Second Reading. I think it is fair to say that during the debate, there was some ... there was a lack of consensus about what the Article should be, so the Minister effectively just held back on it, and I think did presumably some consultation behind the scenes and has subsequently lodged his own amendment. So the essence of that amendment is that the creation of the alcohol and licensing gambling regulator is no longer going to take place and this will effectively be done in-house by Government through the Regulation Directorate. So we will be asking you about that, but can I ask ... I suppose the first question really is about the amendment that has been lodged by the comité. Can I ask, will you likely be moving that?

Chair, Comité des Connétables:

At this stage, clearly subsequent to our lodging that amendment, there had been 2 other amendments. I think it is fair to say - well, I suppose it may depend on the success of those amendments - but the chances are we will probably withdraw that because it probably is not

achievable to get to the point which we were hoping for, particularly in light of the fact that we are getting towards the end of the States term and there probably is not the time to debate it thoroughly, albeit we are generally supportive of the concept of reducing the number of categories. That is really the principal point; the administration side can come later. We have presently a consensus within the comité of supporting of Sir Philip Bailhache's proposal, but not all, so this will all come out in debate. So I do not anticipate we will submit a comment to the debate, but we will each speak on our merits.

Deputy M. Tadier:

So remind us: so your amendment essentially ... tell us what it does and maybe what the motives for it were.

Chair, Comité des Connétables:

It was stimulated by the Minister's initial proposal, which suggested using the Gambling Commission as an administration body to deal with that. We felt that within the parishes, and particularly St. Helier, that we had the capability of dealing with it quite easily and saw the Gambling Commission just as another layer of unnecessary bureaucracy. That was the motive behind the amendment. I do not know if Simon has any further comment on that.

Vice-Chair, Comité des Connétables:

Yes. Just around that, I supported - and I have always supported - the idea of licensing being dealt with by the parishes because we already do a lot of the donkey work anyway. We know the people, both the clients who want the licences and the people who live in the neighbourhood, who sometimes suffer from the consequence of the licences being granted. So I have always felt the parishes should be in a position to have a licensing committee. In respect of St. Helier, it is well known that I have supported the creation of a council for St. Helier, and one of the functions of the council would be to deal with the licensing, as a licensing committee of that council. But the fact is we are not there yet; we do not have that set up. When we put through our amendment, it was quite clear from some of the feedback we had, particularly Sir Philip Bailhache, who said that he felt that there would be conflicts involved in the parishes being the decision-makers in licensing, because we currently have a Parish Assembly which might put a decision forward that the Constable then found himself or herself wanting to vote against. That clearly was not going to work, so my view is that, speaking personally, Sir Philip Bailhache's amendment - leaving the final decision in the hands of the Licensing Bench - is probably the best place to leave it at the moment, because if we give it to a civil servant, is that any better than the Gambling Commission? It is still effectively a bureaucrat making a decision which is going to affect people's lives, which I do not really think is appropriate.

Deputy M. Tadier:

Was there any consultation with the comité before the Minister lodged this amendment, his own amendment?

Chair, Comité des Connétables:

There was, going back probably a year, 18 months.

Deputy M. Tadier:

The Regulation Directorate I am talking about, so what are the ...

Vice-Chair, Comité des Connétables:

He came to the meeting.

Chair, Comité des Connétables:

Yes, he has been to various meetings and we had a presentation - I think you attended online - last week with regard to the latest proposals, so I cannot say that collectively we have discussed that, but ...

Deputy M. Tadier:

I suppose what I am trying to get at is that we are trying to understand ... and we will obviously interview the Minister later on, but I would have thought that the reason for his amendment was to try to get more people on board who could not support the original proposal. So you would have thought the comité are the obvious first port of call, to get them at least partly on board, and then possibly the industry as well, but did that not happen?

Chair, Comité des Connétables:

Not in effect, I mean, apart from the meeting we had last week. So we have not had a presentation from the Minister, to my knowledge. Am I right in saying ...

Vice-Chair, Comité des Connétables:

I think States Members have been invited to one.

Chair, Comité des Connétables:

Yes, that is the one we had last week.

Deputy M. Tadier:

Yes, okay.

Chair, Comité des Connétables:

So there are mixed views from within the comité, I have to say, but generally I think the consensus, the majority consensus, is towards Sir Philip Bailhache's proposal. I can outline the reasons for that, in that we feel ... and I suppose I have a conflict, in that I have an involvement with the environmental department - obviously it is the regulation department - and I am full of admiration for the officers there who play a large ... well, I say play a part in the operation of the process already, but I question whether they are the right body to make the final decision. 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.

Deputy M. Tadier:

How do you respond to the Minister's point that having a centralised system, whether it is through the Regulation Directorate or what it might have been previously with the Gambling Commission, that the benefit ... from his point of view, he is saying that it ensures a level playing field, that local considerations will still be taken into account at Parish Assemblies, where licensing goes to, but ultimately the granting will be done by a central body, which is not perhaps acceptable to what one - or he - might call NIMBYism. Is that a reasonable ...

Vice-Chair, Comité des Connétables:

I do not think that the Licensing Bench is susceptible to NIMBYism. As I said in my speech when we debated the principle, there had been occasions where the Parish Assembly has been influenced - it has been stacked, to use the phrase - and something has been voted down which is quite reasonable and, if one is being fair-minded, probably should have been awarded a licence. The Licensing Bench has overruled the Parish Assembly and said that that ...

Deputy M. Tadier:

I think that is correct, so what you are saying is ... we are talking about Sir Philip Bailhache's - Deputy Bailhache's - amendment, you would support that, but if it was your amendment and it stood, of course that would put the power within the parishes, so I suppose that is the question. So that is no longer your first preference, just to confirm?

Chair, Comité des Connétables:

No. I think the reality is we will be withdrawing it, but I need to get the consensus from other Connétables before I do that. So that would be my suggestion, and which direction others go may be as a result of whatever you come up with and we will be influenced by that, I am sure. But personally speaking, my inclination is to support Sir Philip Bailhache's amendment to the Minister's.

Deputy M. Tadier:

Do we know what consensus there is among the comité?

Chair, Comité des Connétables:

I cannot say. I can only speak for my ...

Connétable K.C. Lewis:

I would agree ...

Deputy M. Tadier:

Three votes.

Chair, Comité des Connétables:

Absolutely. Indeed, yes.

Deputy M. Tadier:

Okay, thank you for that. I think at the moment let us turn our attention maybe to the Regulation Directorate, if we may. Deputy Andrews, are you happy to lead on that part?

Deputy M.B. Andrews:

Yes. Obviously the panel is aware that the Minister has made a few changes and obviously now he has brought forward the Regulation Directorate. I just want to have your views on whether you feel that is an appropriate decision that the Minister has made.

Chair, Comité des Connétables:

I feel that while the Regulation Directorate is good at dealing with the process at the moment, which they do, they have systems to deal with that, there are some elements missing. One is over the premise ownership, and that raised its head during the Lido debate. We have another one coming up at St. Brelade shortly, so there is some work to be done, but when it comes to the ultimate decision, at the moment if the Parish Assembly recommends a licence for approval to the Licensing Bench, the public have the opportunity to attend that Licensing Bench and make any comment.

[12:00]

If it is taken purely within the Regulation Directorate, it seems to me that will disappear. I think the other point I would like to make is in terms of 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.

Deputy M. Tadier:

Okay, and in terms of looking at the resource within the Regulation Directorate, do you think there is enough staff to at least cover the basics or do you think there will be a need for additional personnel in the future?

Chair, Comité des Connétables:

My feeling is that they 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.

Deputy M. Tadier:

Yes, and then in terms of the Connétables' interactions with the Regulation Directorate, have you been liaising with them in the past and how well do you also know the team who work there as well?

Chair, Comité des Connétables:

Very well. We liaise with them. I think it would be useful if Alison were to speak at this point, as Parish Secretary of St. Helier. She is the key person, shall we say, that does that. You might like to expand, Alison, on what you do.

Parish Secretary:

Yes, I think we liaise well with the regulatory people, also with the court, but for business, it is a very longwinded process to get your licence. We tend to sit in the middle and a lot of people come to us for information before they will even go to Economic Development or whatever; they come to the parish to discuss with people they know. I feel that even the regulatory stuff could be done by the parish, but the decision be made by the court. I am not sure, there are 3 processes basically, yes.

Deputy M. Tadier:

Can I ask something that has exercised our mind previously? I think I might have raised it with Constable Jackson previously, that if a shop or a chain of pubs/restaurants has a presence in multiple parishes and they need to - or even if it is a new entity coming in - go to 5, 6 Parish Assemblies to get a licence, that might be seen as against Government's mission to reduce red tape and there is also the cost and time involved. Is there currently a way around that?

Chair, Comité des Connétables:

Yes. We did in fact when there was a change with the ... was it the Morrisons' ownership? Effectively there was one decision-maker among the comité that took that forward and it was quite seamless, so it was not a question of multiple assemblies.

Deputy M. Tadier:

How does that work? Are you effectively saying to other parishioners of different parishes that they do not get to have a say on the licensing?

Chair, Comité des Connétables:

It was not quite ... it was the change of licensee. The licensing of the particular premise was the same, it was the change of name above the door, in effect.

Deputy M. Tadier:

Alison, did you want to ...

Parish Secretary:

I think what is being put forward is still going to go to each individual parish anyway, so I do not think that will come away from it. I think the applications will still go to a Parish Assembly and it would have to go to whichever parish, the person, so that is not really going to alter anyway.

Deputy M. Tadier:

Yes. Is there a need for a Parish Assembly if essentially things are coming to the elected Constable? So the Constable has been chosen by the parish, by the parishioners, to do a certain job and should we not be putting to the discretion of a Constable?

Chair, Comité des Connétables:

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. So I think it is a very democratic process and personally I would support it.

Vice-Chair, Comité des Connétables:

The bench also does seek the views of the Connétable, so the Connétable's views are taken into account at that stage. I remember when I started my job, there was a feeling that St. Helier had too many first category licences and these were being routinely turned down by the Parish Assembly when anybody wanted to start a new bar. It was being turned down because the parish did not like

the idea of any more first categories, and I put forward the argument to my first bench that it was not the quantity of first category licences that was important, but the quality of them and the way they were run. That meant that an early decision by the Parish Assembly to refuse a first category was overruled by the bench, who approved it. I think my influence probably helped there.

Deputy M. Tadier:

What is so special about alcohol licensing that it needs a Parish Assembly? I mean, parishes do not currently approve ... you do not convene a Parish Assembly routinely for planning applications or if someone wants to open a café.

Vice-Chair, Comité des Connétables:

Planning comes to the Roads Committee, so there is a route there with the Roads Committee. In our case, St. Helier's case, that is held in public, so the public can influence and of course they can write in themselves anyway.

Deputy M. Tadier:

They consider them then, but it is not automatic that a parish ...

Vice-Chair, Comité des Connétables:

Yes.

Chair, Comité des Connétables:

I think it is important that parishioners to have an opportunity to comment. We see a variety of applications. Some are quite innocuous, but others, where there may be a restaurant licence popping up in a residential area ...

Vice-Chair, Comité des Connétables:

Or a nightclub, yes.

Chair, Comité des Connétables:

Yes, that will cause concern by neighbours.

Deputy M. Tadier:

Could it not be done as a paper-based exercise so that if anyone who has an issue writes to the parish or writes to the Licensing Bench and says: "Look, we have concerns with this" and you would presume a Constable would take it up on their behalf, but if there is enough ...

Chair, Comité des Connétables:

It is possible but, as you know, people do not always want to write, and sometimes the Parish Assembly, where people can speak up, is the effective way of dealing with it.

Connétable K.C. Lewis:

We do not have too many licences in St. Saviour, but there is an expectation that we will have a Parish Assembly for any alcohol licences. We have had a few objections to one or 2, it is in the wrong area or ... and we have had to pull a few people up on certain things, but basically the present system works well.

Chair, Comité des Connétables:

Just before Karen comes in, just in terms of publicising the Parish Assembly, we did one a couple of years ago now where there was previously a process by which you put an advertisement for the Parish Assembly in the *Evening Post*. It is not obligatory. By law, the obligation is to put it in the *Jersey Gazette* and on that particular occasion we did. I was roundly criticised soon after by not putting it in the *Evening Post* by some people who wished to object, so we have to use all the tools we have available to us - parish websites and so on - to make sure the assemblies are publicised so people do have the opportunity to make their comments.

Deputy K.M. Wilson:

Thank you. I was just going to ask the question: what seems to be a thorny issue in the debate, if I may, is where the responsibilities are for administration as well as enforcement and that there is potentially some conflict around that. Could you just give us a view on that?

Chair, Comité des Connétables:

Yes. I cannot think that there the Constables really have a conflict, although it has been mentioned. We are heads of our Honorary Police service, but we are not operational in that, so if there are any particular licensing issues on the ground, it will be the Chef de Police that deals with it, in conjunction with the States of Jersey Police. It does happen, and there is a suggestion that any licensed premises closure will be dealt with by the Chef de Police, which is the right way to deal with it. Sometimes they do have to be closed down and the Centeniers have to attend.

Deputy K.M. Wilson:

So what you have just described is that over time there has been different ways of administering the licence permissions.

Chair, Comité des Connétables:

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.

Deputy K.M. Wilson:

It was more about the issue that you just alluded to there, which was the notification in the gazette, and then we have a parish administration system, where people make an application. Now we have a different kind of proposition here. My question really is what have the comité considered when addressing this particular proposition, knowing that there have been different ways of administering the request for a licence over time? Do you have any particular view as to what was the stronger arrangement in those options?

Chair, Comité des Connétables:

To be quite frank, due to the shortness of time, we have not considered the Minister's latest proposition in depth in the comité, so it has only been anecdotal discussions. I think, and this is because we are short of time, it is all being pushed a bit hard. To me, the easy win - and I am thinking of the hospitality side of things - you are really keen for a reduced number of categories. The easier process probably is to go down Sir Philip Bailhache's amendment at the moment, because that retains the existing Licensing Bench, which we are perfectly happy with, and even the Licensing Bench are perfectly happy. I can confirm that by saying that in the December Licensing Bench Assembly, where all the Connétables turn up and present our annual reports, the Bailiff did suggest that while he did not wish to be political in any way, he just indicated that the bench were perfectly happy to continue with the existing process. So the objections, if any, are not coming from that direction. It is the Minister's wish to turn the process away from the Licensing Bench for his own reasons.

The Connétable of St. Mary:

A few more general questions later possibly, but I am concerned: Constable of St. Helier, are you leaving us at a certain time or are you here for the ...

Vice-Chair, Comité des Connétables:

Half past, if I may.

The Connétable of St. Mary:

Okay, that is fine. I was aware of an earlier deadline, as it were, but I will leave that alone for the moment.

Deputy M. Tadier:

Yes, feel free to ask your question.

The Connétable of St. Mary:

Okay. It is a general point. The difficulty of the panel is of course we have 3 amendments in front of us and which are probably trying to steer a certain way. Picking up on the Constable of St. Helier's point, you would be in favour of leaving well alone for the moment. The 2 objections that have been raised to that, one is I think that in Deputy Bailhache's amendment there is no reference there to a policy advisory group, and there is this question as to whether the Licensing Bench is in a position to exercise the power of the executive at the moment. That is one thing. The other aspect is relating to appeals. If one does not like the Licensing Bench appeals, you appeal to another version of it, presumably. Dealing with the second point first, how often does an appeal, in your experience, Constable, happen from the bench?

Vice-Chair, Comité des Connétables:

The Royal Court as opposed to the Licensing Bench? I cannot remember one in 25 years, so I think that is ...

The Connétable of St. Mary:

Is that because they think there is no point or because the ...

Vice-Chair, Comité des Connétables:

I think the system of effectively 2 audiences, it is heard by the Parish Assembly, then by the bench, and there is normally a similarity in the views. It is not often that the bench will take a different view to the Parish Assembly, so the idea that there should be a point of an appeal is quite rare. I suppose also we have quite a liberal system. I mean, the fact is that we do have a very healthy hospitality industry. Most licences are approved. The only perhaps bones of contention are things around the conditions that the bench will impose on the licensee, which might be to do with the hours of opening, it might be to do with the number of security staff, but that tends to be where there might be a bit of a pushback from the person presenting to the bench. But normally, as I say, because they want their licence, they are going to accept conditions. They may come back to the inferior number in due course to see if they can get those conditions changed in some way. So the whole system, to my mind, seems to work pretty well.

Deputy M. Tadier:

I think online, your adviser, Ian Clarkson, would like to speak. Is it all right to bring Ian in?

Vice-Chair, Comité des Connétables:

Of course.

Deputy M. Tadier:

Ian, just introduce yourself for the record, if that is okay.

Adviser to Parish of St. Helier:

Chair, thank you. My name is Ian Clarkson. I am currently working as the policy adviser to the Parish of St. Helier and the broader comité. I just had 2 points regarding the earlier topics you were discussing. The first was around the consultation process and the second is then the link in to the policy guidance. It was just to say that I fully understood and respected your point, Chair, about the methods of consulting stakeholders on applications. It is probably fair to say that I remember discussing this with the comité.

[12:15]

We were mindful that the current system of engaging with stakeholders has been the Parish Assembly. Historically it has worked very well, which is not to say there are not alternatives. As you rightly said, the planning process has an established procedure for people to write in and make observations on the planning applications. In that particular context, the system I think largely works well for the broad range of stakeholders. The reason I am now going to talk about policy guidance briefly is just because the alcohol licensing process that you might be moving to with the new law is a little different. You are moving from - or potentially moving from - 7 licence categories that are effectively boxes that your applicants are dropping into and multiple stakeholder groups effectively know what they are getting when they see an application in their particular parish. They have a broad sense of whether or not the premises are pubs, restaurants, private clubs, hotels, entertainment venues, for example. In the new system, you are looking at an on-licence or an off-licence and you are then having to do additional work to take additional steps to understand what it is that you are being consulted on as a neighbouring resident, States of Jersey Police, politician, parish and so on. So the process is a little bit different and that then brings me to the policy guidance. 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. That may have implications as to whether or not you consider that the Parish Assembly or an alternative method of public engagement is going to work. Just to finish, I can say quite happily that if the parish administrations had been in a position in future to administer these applications, I could readily see and talk you through how I think that process would have worked and I think it would work quite well.

I think it will be interesting for your panel to consider how that public consultation process is going to work effectively in any of the other systems that you are looking at across the amendment. I think you are possibly already doing it, but bear in mind the policy guidance that you cannot see yet is going to be really key to how this process works and what the job of work is that the determining authority is going to have to do. I hope that is helpful. Thank you.

Deputy M. Tadier:

Thank you. I suppose the question I was also going to ask is regarding the appeals process. Is it really a good use of the Royals Court's time and the jurats' time, even in the inferior number, to potentially be sitting as an appeals body? The Royal Court is the highest court in our land and should it be opining on alcohol licences?

Chair, Comité des Connétables:

Given, as Simon suggested, there has not been one in the last 25 years, it is not going to be a regular occurrence, I think it is fair to say.

Deputy M. Tadier:

I think, as Constable Johnson said, there is a risk that that might be a symptom of people not wanting to engage with the system because they think it is the same person effectively marking their homework, so why would you? It would be interesting to know what the healthy number of appeals should be. I suppose we can take this back to the ... there has been some criticism from the industry leader - I mean, I am not going to suggest that necessarily Marcus Calvani speaks for everyone in the hospitality industry, but he and his wife are the representatives of that body - and they have talked in quite stark terms about this being anti-business, creating more red tape, perpetuating red tape. Admittedly, I think those comments were initially in support of the Gambling Commission, but they seem to be generally supportive of a more centralised system which is uniform. Do you have any comments about that?

Chair, Comité des Connétables:

We did have a meeting with Mr Calvani and a member of the Chamber of Commerce and it was quite a long meeting. At the end of it all, it was agreed - we all agreed - that the categories need to be reduced. My take of that meeting is they were quite ambivalent as to who administered it, because at that point we had not had the subsequent amendments and we were proposing our initial one. That said, as has been mentioned, I think the fair assumption is we will withdraw that until I get the input from my colleagues. I do not really want to officially say that. I think one of the points which is not really covered in a lot of the amendments is the arrangement with managers. Now, you will know that if a licence is granted, there is a licensee. Very often in a bigger company, that licensee will be sat in an office in town somewhere managing all the pubs and outlets throughout

the Island. They in turn will have a manager and the parishes at present interview these managers. I can tell you there is a significant turnover, and one of the reasons why I feel that the gravitas of the Licensing Bench should be retained is to make it clear to those involved that it is quite an important job. Some of the hospitality sector may wish there to be no controls at all over licensing, but we all know that some of the public are not too good at managing alcohol. You can go back hundreds of years; it has always been the case. So I think we need to manage it in a sensible way at a local level, which is really what the parishes are keen to do, just keep a handle on what is going on. We know at ground level what is going on and we do not see any reason to change that.

Vice-Chair, Comité des Connétables:

There is a level of accountability, that we have the December sitting, all the Constables present their books of the licences and we are asked by the Bailiff how we got on and how the Honorary Police got on in inspecting premises. That is something they do in the course of the year. There is that onus of responsibility on every Connétable to be able to say that licensing, from the parish perspective, including the enforcement by the Honorary Police, has been conducted in an appropriate manner. I think that level of accountability would disappear if this matter was being dealt with internally by a department of the States.

Chair, Comité des Connétables:

I think it is fair to say that - I am sure it is the same in most parishes - I have a particular Centenier who applies himself to checking all the licensed premises. In fact, a few years ago I recall at that December meeting that one parish was heavily criticised for not doing the checks, so we certainly make a ... and I am sure all the parishes now do make a point of doing that and they do pick up points, encourage the managers who are onsite at the time to correct their ways if they have gone wrong. There have been occasions where, in my parish, a premises has to be closed until such time as they put their house in order. So it is very much a last resort, but the Chef de Police once again has the ability to deal with that.

Connétable K.C. Lewis:

We have only had one in recent memory. I will not mention the public house, but there was lots of disorder, lots of rowdiness, and they just would not listen to reason. Obviously I am the Constable, but non-operational, so I was informed of the incidents as it progressed. It was in association with the Attorney General the licence was suspended for a week until things were put right; they were promptly put right and then the premises were allowed to reopen again. But as I say, the Constables have been non-operational since 2012, I think. I think the Constable of St. Brelade was the last Constable to hold a warrant card. That is completely non-operational. I was informed of what has happened: "Thank you very much, Chef" and, as I say, they were reopened very quickly.

Deputy M. Tadier:

Is it fair to say that Deputy Bailhache's amendment will effectively put us back to where we were under the current system, but allow for the technical changes to come through, the reduction in licence categories and possibly some other smaller matters? Is that ...

Chair, Comité des Connétables:

In short, yes.

Deputy M. Tadier:

In short, yes. Do you envisage that would be then the end point or do you think that is more of a pause for thought to enable maybe some consideration to be given to how the licensing operation may be further streamlined or how more parish engagement may happen? I mean, one thing I would ask is the fact that ... it is not critical of the Parish Assembly, but it does tend to attract small numbers, and if it is on a particular night of the week. First of all you have to know about it, and then secondly you have to be free to come along. Is there an opportunity to maybe make it more dynamic to allow submissions and people to speak?

Vice-Chair, Comité des Connétables:

I mean, speaking from my position, because I am retiring I do not know whether the next Constable of St. Helier will be keen on developing the idea of a council, which one of the reasons for that was to get over the problem with Parish Assemblies. As you say, they are not really representative of the 18,500 people who could turn up on the night and make their views heard. So the idea of delegating some of these functions to a committee of a council would seem to be sensible, but I think the reason I was opposed to the Minister's proposition was that by placing this either with gambling control or with a civil servant in his department, it would make it more difficult for the next Constable of St. Helier, if they wished to, to pursue the idea of a council. It would take away one of the most important things that we do and park it in a position where it would be harder to progress from.

Deputy K.M. Wilson:

Sorry, Chair. Can I just check, Simon, so what you are saying is that the permissions are equally as important as the enforcement responsibilities and you do not see any particular issue in the parish fulfilling those 2 functions, and that what Deputy Bailhache's amendment does is it allows you to complete your responsibilities around the permissions as well as retain the enforcement part?

Vice-Chair, Comité des Connétables:

I think because his proposition effectively is the status quo in terms of the permissions, I think it means that can be returned to later on if a future parish or comité may decide to pursue that. I was just concerned, as I said, that the Minister's proposal would make further work on this more difficult.

Deputy K.M. Wilson:

The reason I asked that question is because if the Minister's intention is to take the permissions element of this away from the current responsibilities within the parish, what is it about that that causes concern for you if the real issue that you are dealing with is the enforcement of any decision that is taken that affects parish life?

Vice-Chair, Comité des Connétables:

I am not sure that that ... I mean, the Minister's proposals do still consult the parish, but I think, as Alison said earlier, we have a lot to do in terms of the initial advice we give, interviewing the managers, making sure that the right person is being put forward as a manager. There is a lot of work that the parishes are doing to make sure that the process works well, so it is not simply a matter of the permission at the assembly, it is all that preparatory work and advice that we give.

Deputy M. Tadier:

Constable Jackson.

Chair, Comité des Connétables:

Going to your point, I mean, it is a question of evolution. We have seen the licensing process evolve, going back to the 1771 code, and I think we will continue to do so. But we have to consider the hospitality industry, who are the ones who have been asking for this reduction in categories, and we are all keen to do that. We have to adapt to modern society, which has changed. I can say that, given that probably some 50 years ago I worked for one of the breweries delivering beer, so I have seen inside the cellars, but we have moved on from the, shall we say, drinking boltholes that were the situation then to more catering establishments. I can see the advantage of - going back to the regulation - linking the food regulations to inspections. We already have the public health inspections when we have the presentation at the Parish Assembly, so that would seem logical that that would be included too. So while regretting the fact that Constables no longer have to taste every barrel of wine **[Laughter]** or cask of beer, we have moved on, and we will continue to do so, doubtless.

Deputy M. Tadier:

Yes. Is it fair to say that ... I mean, there were 3 options for the way licensing can be done. It is either leave it as it is currently with the judiciary or as a slightly judicial process, we move it to a centralised government function, which would currently be done by the Regulation Directorate, or it

can be done by the parishes themselves. Now, what we have heard from yourself, Constable Crowcroft, is that your vision is that that could be a devolved power for the parishes, certainly for the Parish of St. Helier. We know about the model of the St. Helier council, but that is not something that you have necessarily wide support from your other comité colleagues for.

[12:30]

Vice-Chair, Comité des Connétables:

I think the comité, when we discussed the proposal for a council at the same meeting, where we had our initial meeting with Economic Development about the licensing, it was the next item or the item before - I cannot remember - and I seem to remember there was unanimous support from the comité that St. Helier should move towards a council structure.

Deputy M. Tadier:

Is the idea that St. Helier, in the future, may be the central point for all licensing applications initially, but still with input from other parishes?

Vice-Chair, Comité des Connétables:

Yes, but it would up to the Constables of the day, but there is no reason why that service should not be supplied by the parish.

Deputy M. Tadier:

So still effectively a one stop ... I mean, the Minister is very clear that his model provides a one-stop shop, it is the Regulation Directorate doing it all anyway, so why not just effectively let them make the ...

Vice-Chair, Comité des Connétables:

Well, I think the point has been made that they are not doing it all at the moment. The parishes are doing a great deal.

Deputy M. Tadier:

Of course, yes.

Vice-Chair, Comité des Connétables:

If all that was handed over to the directorate, first, I think the service might suffer, and secondly, the capacity of that part of the civil service to do that work would be stretched and they would have to employ more people.

Deputy M. Tadier:

Is what we are seeing here ... and I am just trying to understand the politics of it. I think it is easy to resist and oppose a change that collectively you may have reservations about, but it does not mean that you all necessarily share the same vision for what it might look like, so is there that vision for putting it ultimately in the ... because I think the panel has legitimate concerns about the judiciary doing an executive role, whereas it may do it well, but it is probably not really what it should look like in the 21st century, so I do not know if you have comments on that.

Chair, Comité des Connétables:

Yes, I appreciate that is a comment that has come back from the Minister. It has not been a problem to date, I think it is fair to say, and the Licensing Bench has built its Chinese walls, if you like, between itself and the judiciary. I think retaining the gravitas of that body to manage licences and managers is really quite crucial. It is an important role. The manager of a premises really has quite a part to play in the area in which they are operating and I think it would be a shame to lose that, truthfully.

The Connétable of St. Mary:

Sorry, if I can go back on the same point, the clarification of any executive power the Licensing Bench might have, it has been alleged that they do have executive power. The happy hour situation, the fact we had gone back to it, it was their decision. In my understanding - this is a question for the Minister rather than yourselves - that is what militates against the leaving it where it is. My point is if there was an alcohol policy group, as described by 2 of the amendments, could not the Licensing Bench, as is, work with that? Would you see it as being a form of restriction on their activity?

Chair, Comité des Connétables:

I think some guidance would be helpful to them. I do not think it would restrict their activity, but I think if they had some policy guidelines to work to, it would be extremely helpful for them.

The Connétable of St. Mary:

Like you say - and I am sure I am not betraying confidences - but in a Scrutiny review 10 years ago, they made that very point: "Give us guidance" they were saying and so that is a possibility. Okay, thank you.

Deputy M. Tadier:

There is a question here that I wanted to ask - and we may have gone slightly off-piste, but I think we have been doing a broad brush and you have largely answered most of the areas that we would like to ask - the Minister's amendment does introduce an additional requirement for the Regulation Directorate at the moment, if they were to get it, so to speak, to publish a notice on gov.je inviting public representations alongside the parish advert that goes out. Do you have any views on that?

Chair, Comité des Connétables:

It does rather seem like another layer, which might bring a comment, but truthfully, I am not sure what it is going to gain. Maybe the idea of that is to cover off the inability of the public to speak at the Licensing Bench. That is the only motive I can think of, but ...

Deputy M. Tadier:

I mean, surely if it casts the net a bit wider, it is to be welcomed, is it?

Vice-Chair, Comité des Connétables:

There is no reason why the parishes should not invite that kind of feedback as part of the work we already do. I mean, I frequently do get emails and letters from people about a licensing matter that is coming up and they say: "I cannot come to the meeting, but please can you say such and such at the meeting?" so I think that could be formalised. It would be quite useful to formalise it in a way that people felt they did not have to turn up on the night to make their comments.

Chair, Comité des Connétables:

I can agree with that. In fact, I only had one this morning. We have an assembly tomorrow evening to consider 2 licensing applications and I had exactly that, an email from a member of the public, could not come, so ...

Deputy M. Tadier:

I suppose we have to be mindful, we are a small Island. There is also a possibility you could have an establishment which - especially in St. Saviour - could be very close to St. Helier and St. Clement, if we just think about Havre des Passat.

Connétable K.C. Lewis:

We are the second-largest parish by numbers, but we do not have a huge amount of licences. I would agree with your comment earlier that we would really love to increase the amount of people that come to Parish Assemblies, but people are very savvy and they know what is going on. I find that if it is something that piques their interest, they are there. I mean, you could come to a parish meeting, maybe 23 people, but a major planning application for a new estate or similar, suddenly the whole parish hall is full, and all points in between. So we do have a mail-out, where people can join the mailing list and then we do inform people of upcoming meetings, but I would say that people are generally pretty savvy to what is going on.

Deputy M. Tadier:

Okay, and are there any mechanisms that you could propose for cutting either red tape or perceived red tape?

Connétable K.C. Lewis:

I am more in favour of reducing the categories down to 3, the simplification, but I do not see any other problems that we have at present to change. As has been said, we report to the Licensing Assembly and everything seems to tick over quite nicely. The only sort of complaints we get on a regular basis now are for licensed events, marriages that go on until 3 o'clock in the morning and sound disturbances, but we feed back to the Bailiff's office on special permits on a regular basis.

Vice-Chair, Comité des Connétables:

Could I make one parting comment, which is that some licensees still feel it is necessary to employ legal advice to make these representations? I always stress to them that you do not need to have a lawyer in the Parish Assembly, or indeed at the bench. I think the bench probably, as we do, prefers to hear from the people concerned, so you can save money that way, even if you do not save red tape.

Deputy M. Tadier:

They obviously have audiences and a right to an audience, even if they are not a parishioner, just by virtue of having a presence in the parish, so yes.

Deputy K.M. Wilson:

On the other side of that, do you get any particular complaints from businesses about the process and the system that is in place at the moment?

Vice-Chair, Comité des Connétables:

Alison can probably answer that better than I can, I think.

Deputy M. Tadier:

You can come and join us. We should have invited you closer earlier, but ...

Parish Secretary:

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, but I honestly believe that the ... I do not see any reason why

the parish could not do the application process. We also do the *chose publique*, so it is still going to be bitty, no matter what Economic Development do, because the parishes then ... you have to licence your outside areas, and that is something that the parishes have the responsibility for, for *chose publique* permits. So I see it, if it came to the parish, the applications could come, the Parish Assembly could be held, we can also do the *chose publique* at the same time, so that when the application gets to whoever it is going to be heard by, it is a full application. I think the parishes would have no problem doing that. I know that some of the smaller parishes maybe do not do it so often, and I think from the administration point of view, I do not see why St. Helier could not do that for all the parishes. Obviously when it comes to Parish Assemblies, it may have to go out to their own Assembly for their views, but the actual application thing, it could be done in the Parish of St. Helier, I think.

Deputy M. Tadier:

Is that something that would be supported by the comité?

Chair, Comité des Connétables:

I cannot say. The numbers vary. I mean, I do not know: how many licences do you have?

Parish Secretary:

We have two-thirds of the Island.

Chair, Comité des Connétables:

Yes. I know we have 62 in St. Brelade, but some parishes have one or 2 or 3, so there is an enormous variance. I would have thought that those parishes with very few could work through St. Helier quite easily. We probably have too many, to be fair, to do that, but I think that is something we could discuss at comité level.

Deputy M. Tadier:

I think Ian ...

Adviser to Parish of St. Helier:

Thank you, Chair. Just a couple of points, to go back a couple of minutes, in fact. The first is to say that you were referring to scope for streamlining and reducing red tape. I think one of the ways in which there is an opportunity here is a subject that, Chair, I know you are quite fond of, which is public entertainment regulation and the scope for combining, whatever way forward is picked here, or doing it in such a way that you could perhaps take care of some of the event regulation that still is going to need to happen and which currently happens, by law, via the Bailiff's Entertainment Panel, which is not to say that you would not want potentially to consider having that body continue

with your larger scale events. I think certainly from an administrative perspective, I have seen that panel work exceptionally well in regulating large scale events, with potential multi-parish impacts, but there is potentially a range of smaller scale events which are quite often linked in terms of what happens. They are linked with the liquor licence application process and the premises or body that applies for the licence. There is potential here to reduce red tape by looking at the future mechanism you are contemplating here to take care of both alcohol licences and the sort of small scale event regulation that might need to happen alongside it. The second thing to say is just that technically, in terms of the conversation that you were having with respect to the role of politicians and the judiciary with respect to liquor licensing, it is perhaps worth flagging that under the existing 1974 law, the Constable's original amendment flagged the fact that you could ... there is an opportunity under the existing law to set clearer parameters and take more control, if you like, of the policy that the judiciary, the Licensing Assembly, would apply. You can do that by having an alcohol policy guidance statement of sorts, perhaps developed as a schedule to the existing 1974 rule, and simply amend the existing Article 6(9) of the 1974 law, so that in addition to the Licensing Assembly taking into account the interests of the public in general, the nature of the business to be conducted and suitability of those premises for the business that is planned, and also taking into account the views of the Parish Assembly, you can simply insert a: "and the Licensing Assembly shall take account of a licence policy statement appended to the law as a schedule" that you, the States Assembly, can determine the content of. So there is nothing stopping the States Assembly from taking more control of licensing policy tomorrow under the existing law. I think it is just worth flagging that, because I am aware there is a line in the Minister's comment - I think it is to the third amendment - that refers to the Licensing Assembly potentially having nudged the margins in terms of taking control of the liquor licensing process. I think there is an alternative view that it has been perfectly open to the Assembly for some time to add in more policy guidance in the 1974 law. It is just for whatever reason it has not happened and the Licensing Assembly may take the view that they have just done the best that they could to fill in some gaps. So you can have control, more control, of that licensing policy tomorrow if you want. You do not need a new law to get it and you can still have the Licensing Assembly taking your decisions. Thank you.

Deputy M. Tadier:

Thank you. I suppose the question there is that you are only then really asking the Licensing Bench to enforce to the policy and you are still at the mercy ... I mean, I suppose this then raises the question about which should come first. There is a chicken and egg here and we do not know what the policy is going to be that is going to be enforced, so of course ... I mean, do you have any thoughts on that?

Chair, Comité des Connétables:

Broadly, I think the policy will adapt to today's requirements. I mean, there has to be some parameters around alcohol sales. We have seen the situation whereby off-licences do not pay very much in terms of their licences and I think that needs to be brought up to line with on-licence costs. We have seen a change in demand, and that goes back to the reduction of categories, in that we have various establishments wanting to have a first category, wanting to have a restaurant licence and they can sometimes have, as a hotel, a residential as well. It just seems a little bit of a mishmash.

[12:45]

So I think that has to be the way forward and a policy statement would outline that. As Alison said, in terms of the entertainment side, that could potentially be incorporated in that policy statement too, because it very often is linked to the application.

Deputy M. Tadier:

Do you think that there might be a position here, if it is debated this week - which we are anticipating it will be - that rather than necessarily adopting Deputy Bailhache's amendment, for example, the Assembly might just ask the Minister or the comité might ask the Minister not to move certain Articles, so effectively only move the Articles which deal with the matters that have been spoken about rather than the fundamental ones, which shift or create the new powers to the directorate?

Chair, Comité des Connétables:

It is possible, but it is all a question of time. We are pretty close to the buffers, and from a comité point of view, we have monthly meetings trying to get ... and clearly we need a consensus from everyone to take anything forward. I am certainly happy to do that, but time is not on our side.

Deputy K.M. Wilson:

Alison, can I just ask you, in terms of how you have just described the role of the parish in bringing together all of those elements of licensing, different various reasons for doing so, what do you think that these proposals present for you and the parish in terms of additional workload or additional resources? Do you see the expansion of administration in the parish or is it particularly going to be absorbed?

Parish Secretary:

Yes, I mean, I do think there would be ... we would require additional resources to do it, but only minimal, because a lot of my work is doing the licensing, along with lots of other things that take place. Obviously when you are talking about new applications, you do not get hundreds of applications. When it comes to renewal or you are renewing applications, that is when there is quite

a lot of applications, but the number that come through, I think we have a Parish Assembly coming up and there might be 7 this quarter or 8. So it is not huge amounts that you have to do. I do think that obviously at the moment everything the parish does, they do not receive any pay for or any of the fees that come in. Yes, I think there would be an element. Obviously if we did the administration process, we would also appreciate to have the fee that goes with that, and therefore if we did require a part-time post or even a full-time post that could come out of those fees, which is something the parishes are not getting at the moment.

Deputy K.M. Wilson:

But the other thing that you talk about is that if you are dealing with different types of licences in terms of the interrelatedness of some of those things that that is going to make the system more efficient.

Parish Secretary:

Yes. I mean, I just think that the process could be made more efficient just by the fact that the people come to one place ...

Deputy K.M. Wilson:

Exactly.

Parish Secretary:

... and they get everything right from the outside of their premises, everything done in the same application. I think that is where it could, for business, really be a benefit, but I still feel that the parish system ... I believe in the Parish Assembly system. I have seen people who have maybe a licensed premises going to open up next door to their house or underneath their flat, and I have seen the importance to people that they can put their questions forward, they can get reassurance at a Parish Assembly from the licensee, who is also in the same meeting, and they can walk away with something that meets both parties' needs by having that discussion, or otherwise it would end up too that they have to appeal once a decision has been made. I think the parish is very good, because we interview all licensed managers. If we get complaints in - and we do get a number of complaints - we can contact the licensed manager immediately, have a really good conversation with them and the matter is dealt with. It never goes back to the court as a problem because we have a very good rapport with both sets of people. I think that is the bit that would be lost by not having the parish views.

Deputy M. Tadier:

Can I just ask from the other parishes' point of view? I think St. Helier is sometimes considered a special case, not least because of the numbers of applications, but is that something that you could

see other parishes doing? If there was not the Licensing Bench, is that something that St. Brelade, St. Saviour could do in-house or would you prefer the status quo?

Connétable K.C. Lewis:

I prefer the status quo, but it is something we could do in-house. It would not be a problem.

Deputy M. Tadier:

Would it be a problem if St. Helier went a different ... so St. Helier did its own licensing, and then could that run parallel to a ...

Chair, Comité des Connétables:

I think it is important the parishes, as 12, have the same policies. In terms of the operational side, if it worked out that St. Helier could do it for other parishes, fine. I think from the St. Brelade point of view, because of the numbers we have, we would probably, I think wisely, have ...

Deputy M. Tadier:

You still have your Parish Assemblies of course to have comments.

Chair, Comité des Connétables:

Yes. I think we have sufficient administration to deal with it, which we do at the moment, so I would not think there is too much difficulty in doing it.

Deputy M. Tadier:

But could it be, for example - and I know we are speaking largely hypothetically now - that the single point of contact might be you pop your application in to the town hall, they process it, but if the application is in St. Saviour, it comes to the assembly as usual and then gets referred back to the town hall for final licensing approval? The appeal could still be with the court.

Chair, Comité des Connétables:

I think for me it goes back to the gravitas of the situation. Nothing against St. Helier, but I think the fact the Licensing Bench is issuing the licence at the moment, I think that is quite important. That makes the licensees and the manager realise that it is quite an important role and they need to act up to it.

Connétable K.C. Lewis:

It does focus their attention. I mean, parishes are very good at the first stage because we filter out a lot of people who may not understand the system, so they come to us and we have a good chat. Most of ours are restaurants and corner shops with licensing, but we get people who want to start

up as purveyors of fine wines and suchlike. We did have one chap in who said: "Yes, here is a map of my establishment. This is my storeroom here, this is where the secure lockup is." I said: "No, no, that is not a storeroom, that is your bedroom." **[Laughter]** "You know, you need proper premises. This is totally unsuitable" and we just make sure people format everything properly and say: "If it is going to go the Licensing Bench, everything must be spot on and especially with all your paperwork." If you are sort of a non-Islander, obviously you need all your papers in order, background checks for everybody. The parishes are very good at filtering everything down into a package, so that once it is approved, hopefully, by the Parish Assembly, straight to the Licensing Bench and it makes things simpler for them.

Deputy M. Tadier:

Okay, thank you. Any further questions? Any points that you would like to leave us with?

Chair, Comité des Connétables:

No. I think from the parishes' point of view, we are keen to support the hospitality industry in reducing the red tape, as has been suggested. We think that initially our proposal from the parishes was the simplest way forward, but as a consequence of other amendments and particularly the time and running into the buffers with regard to elections, I feel personally that Sir Philip Bailhache's amendment is probably the one I would support at this point. What will happen in future years, who knows?

Vice-Chair, Comité des Connétables:

Ditto that, yes.

Deputy M. Tadier:

Can I just thank you all for your time? Thank you, Comité. I thank Alison for coming and obviously to Connétable Crowcroft, who has had to leave earlier. We will conclude this session now.

[12:53]