

STATES OF JERSEY



DRAFT LICENSING (No. 17) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 22nd February 2011
by the Minister for Economic Development

STATES GREFFE



Jersey

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REPORT

Background

In order to mark the occasion of the forthcoming Royal Wedding on 29th April 2011, the Minister for Economic Development has decided to bring Regulations to the States which, if adopted, would amend the Licensing (Jersey) Law 1974 (the Licensing Law) to allow patrons of licensed premises to be served alcohol until 1.00 a.m. on the nights of Friday 29th and Saturday 30th April 2011.

This is in keeping with the position adopted by the U.K. Home Office.

A comparable (but much more extensive) extension has been granted in the past to mark the Millennium. On 28th September 1999 the States approved P.134/1998 – Licensing (No. 13) (Jersey) Regulations 1999 (the Millennium Regulations), which had the effect of extending the hours of all licences throughout the night of the Millennium.

Licences affected

Given the short duration of the extension in this case, not all licences will be affected. Only Category 1 (Taverner's licence) and Category 2 (Residential licence) will be temporarily extended.

Category 1 (Taverner's) licences allow patrons to be served alcohol until 11.00 p.m. (with 20 minutes of 'drinking-up time'). These licences will be extended by 2 hours, and so will run until 1.00 a.m., with 20 minutes of 'drinking-up time' as normal. In keeping with the usual treatment of New Year under the Licensing Law¹, patrons will then have an additional 10 minutes to vacate the premises.

Category 2 (Residential) licences already allow patrons to be served alcohol until 1.00 a.m. They are restricted, however, in that members of the public may not enter these premises after 11.00 p.m. In order to ensure the equitable treatment of premises, the Regulations would allow people to enter these premises until 1.00 a.m.

Category 3 (Restaurant), 4 (Comprehensive), 5 (Club) and 7 (Entertainment) licences already have permitted times which run up to or beyond 1.00 a.m., and so no extension for those licences is included.

¹ Article 25(1)(a) and 26 of the Licensing (Jersey) Law 1974.

Category 6 (Off-licence) licences will not be affected by the Regulations.

Some categories of licence have restrictions beyond those detailed in the Licensing Law. For instance, although Category 3 licences allow sales of alcohol until 1.00 a.m., imposed conditions could limit the operation of the restaurant to 11.00 p.m. A temporary change to the Licensing Law will not affect these conditions, and so if a business is limited in this way its opening hours will not change. The Minister considers that these conditions are imposed for a reason, often to protect residents near such businesses, and it would not be appropriate to modify those conditions even were it a simple matter to do so (which it is not).

Method and extent of extension

Given the large number of premises potentially affected, it would not be appropriate for the Licensing Assembly or the Judicial Greffe to deal independently with each application for an extension. Therefore the Regulations will allow the extension of licences to take place automatically, without licensees needing to take any action.

Although the extension affects the hours during which premises are permitted to trade or allow persons to enter, there is no requirement for licensees to remain open or to admit customers.

Pubs which wish to close at 11.00 p.m. will be able to do so, and similarly hotels which wish to stop admitting members of the public after 11.00 p.m. will be able to do so. Additionally, if a pub or hotel wanted to stop serving at, for instance, 12.00 a.m. that would be a matter for the licensee.

Notification

If these Regulations are adopted, the Judicial Greffe will publish a notice in the Jersey Gazette to inform licensees and the public of the temporary changes to permitted hours.

The Economic Development Department will work with the industry and other stakeholders to ensure that all parties are fully informed.

Financial and manpower implications

Although this decision would not extend the overall time during which alcohol can be served (as many premises can normally remain open until 1.00 a.m. and several until 2.00 a.m.), it is recognised that there may be resource implications for the States of Jersey Police Force.

Explanatory Note

These Regulations amend the Licensing (Jersey) Law 1974 so as to extend, by 2 hours, the permitted hours of premises with a taverner's licence on 29th April 2011 and 30th April 2011, that is until 1.00 a.m. on each of the following days. The effect of the amendments is that intoxicating liquor can be sold during the extended hours and members of the public may have up to 1.20 a.m. for drinking and up to 1.30 a.m before being required to leave the premises.

These Regulations also extend, by 2 hours, the hours during which persons may enter premises with a residential licence on 29th April 2011 and 30th April 2011 until 1.00 a.m. on each of the following days. The Licensing (Jersey) Law 1974 currently allows persons to consume intoxicating liquor on such premises until 1.00 a.m.



Jersey

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Made [date to be inserted]

Coming into force [date to be inserted]

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

1 Article 92A inserted

After Article 92 of the Licensing (Jersey) Law 1974² there shall be inserted the following Article –

“92A Royal Wedding 2011

- (1) Notwithstanding any restriction imposed by or under any provision of this Law –
 - (a) the permitted hours for a licence of the first category –
 - (i) on Friday 29th April 2011 shall be extended to 1.00 a.m. on Saturday 30th April 2011;
 - (ii) on Saturday 30th April shall be extended to 1.00 a.m. on Sunday 1st May 2011;
 - (b) any member of the public may enter premises to which a licence of the first category relates –
 - (i) between 11.00 p.m. on Friday 29th April 2011 and 1.00 a.m. on the following day and may remain there until 1.30 a.m. on Saturday 30th April 2011;
 - (ii) between 11.00 p.m. on Saturday 30th April 2011 and 1.00 a.m. on the following day and may remain there until 1.30 a.m. on Sunday 1st May 2011;
 - (c) any member of the public may enter premises to which a licence of the second category relates –
 - (i) between 11.00 p.m. on Friday 29th April 2011 and 1.00 a.m. on the following day;

- (ii) between 11.00 p.m. on Saturday 30th April 2011 and 1.00 a.m. on the following day.
- (2) Nothing in Article 25(1) shall prohibit the consumption of intoxicating liquor during the first 20 minutes after –
 - (a) 1.00 a.m. on Friday 29th April 2011; and
 - (b) 1.00 a.m. on Saturday 30th April 2011,in premises to which a licence of the first category relates.
- (3) The Judicial Greffier shall give notice in the Jersey Gazette of –
 - (a) the extension of the permitted hours for a licence of the first category under this Article; and
 - (b) the hours allowed under this Article for any member of the public to enter premises to which a licence of the second category relates,such notice being published no later than 22nd April 2011.”.

2 Citation and commencement

These Regulations may be cited as the Licensing (No. 17) (Jersey) Regulations 201- and shall come into force the day after they are made.

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- ¹ *chapter 11.450*
² *chapter 11.450*