

## **2.2 Deputy K.C. Lewis of St. Saviour of the Minister for Economic Development regarding the behaviour of fast food take away outlets in St. Helier and St. Saviour:**

Will the Minister be taking action against fast food takeaway outlets in St. Helier and St. Saviour whose late night businesses are bad neighbours and whose many drivers block access and cause nuisance to residents, and, if not, why not?

### **Senator A.J.H. Maclean (The Minister for Economic Development):**

As the Minister responsible for regulating such food establishments under the Places of Refreshment (Jersey) Law 1967 and indeed in conjunction with other authorities, I take firm action wherever proof can be provided of persistent offending and relevant owners/operators failing to take appropriate steps to comply with licensing regulations or instructions given by my department's officers.

### **2.2.1 Deputy K.C. Lewis:**

This is nothing new. This has been going on for some time. Is the Minister aware there are certain fast food takeaways which routinely ignore closing hours, instructions from Planning and Health and Safety and whose many delivery drivers block parking spaces, neighbours' driveways and are generally threatening and abusive?

### **Senator A.J.H. Maclean:**

Yes, I am and I am very concerned about the cases in question. There are 2 in particular that I have been made aware of in recent times. I have had discussions with other political colleagues who have represented residents of those areas. I have written to establishments warning them that they need to comply with the law and the regulations. One of the difficulties is getting suitable evidence to be able to take the matter further. I am pleased to say that one particular establishment has been taken to court and has been prosecuted and we are monitoring that particular situation on an ongoing and regular basis.

### **2.2.2 Deputy T.A. Vallois of St. Saviour:**

Could the Minister advise what he means when he says "firm action"? Because from my recollection of dealing with a particular case, I have had to be on Economic Development's back with regards to this case consistently for the last 2½ years. The last letter that was sent was asking the establishment to abide by the rules otherwise further action would be taken. That was over a year ago. Could the Minister confirm what he means by "Action"?

### **Senator A.J.H. Maclean:**

I have indeed had some meetings with the Deputy. We have written to the establishment in question. We have carried out some, what one would describe as, mystery shopping exercises, where officers from the department have attended at different times on the assumption and to try and corroborate complaints by residents. Evidence is the key to this. I am delighted to say that in this particular case the local resident managed to get some photographic and video evidence and prosecuted through the courts and was successful with that particular establishment. The next stage for the department is quite simply if there is a continuing offence then we will look seriously at revoking the licence. That is the nuclear option and one that I will consider now having gone through this escalating process.

### **2.2.3 Deputy T.M. Pitman of St. Helier:**

Much in the line of following on from Deputy Vallois, I am not sure if the Minister is aware that we have even had fine upstanding members of the public physically assaulted as a result of complaining about these bad neighbours. How seriously does he take the problem in bringing forward action? Some of those places probably should be closed as a warning to others.

### **Senator A.J.H. Maclean:**

I do, as I think I have stated, take it very seriously indeed. I think the Deputy is referring to another establishment in St. Helier and unfortunately as far as my department is concerned that particular establishment has an alcohol licence and as such it is a matter for the Licensing Assembly to revoke the licence before, indeed, we can take any action under the Places of Refreshment (Jersey) Law, which I referred to before. So sadly in this particular case, that the Deputy is referring to, I at this stage can take no further action until the matter is resolved.

### **2.2.4 Deputy M. Tadier:**

Will the Minister take steps to encourage either the Parish, T.T.S. (Transport and Technical Services), or indeed the outlets themselves to provide greater facilities for recycling to avoid antisocial littering, to encourage the individual operators for recycling themselves?

### **Senator A.J.H. Maclean:**

Yes, I would be very enthusiastic to do so. I know that T.T.S. and indeed the Parish themselves do some excellent work already in this area. I am sure they are always looking for ways in which they can improve on initiatives they have underway and I would always encourage that to be the case.

### **2.2.5 Connétable A.S. Crowcroft of St. Helier:**

Is the Minister aware that under the Statutory Nuisances Law it is not possible to take action against such outlets which create a lot of vehicle disturbance for residents and would he support an amendment to the law to enable vehicle drivers in particular to be clamped down on if their behaviour impinges on residents?

### **Senator A.J.H. Maclean:**

Yes, I am aware of that and indeed I think it does need to be looked at further. Thank you, Sir.

### **2.2.6 Deputy M.R. Higgins of St. Helier:**

It is a question on a similar line. Many Deputies, myself included, and quite a number of the St. Helier Deputies, have been trying to deal with establishments such as this for 2½ years and we have been sort of fobbed-off by one department after another and every department seems to say: "It is not our problem, we need to get evidence" and so on. When is the Minister and other Ministers going to get together and take actions that deal with the problem rather than putting it off and saying: "There is nothing we can do" and relying on residents to spend their own money to take video evidence, *et cetera* and States Deputies to do the work of the departments?

### **Senator A.J.H. Maclean:**

The Deputy is conflating 2 particular issues. He is first of all talking about the St. Saviour premises, which has been prosecuted, due to the good work of one of the

local residents who did assimilate some evidence, as I have said. I think it is appropriate that we do not move straight to the nuclear option of revoking a licence, we have to go through a set process, an escalating process, which I think is reasonable. I accept in St. Saviour's it has gone on for a very long time, but it was difficult getting the necessary evidence. As far as the other premises the Deputy is referring to, as I have already said, that is a premises that has an alcohol licence. Unfortunately, as such, it would be up to the Licensing Assembly to revoke that licence before indeed my department could take any action under the Places of Refreshment (Jersey) Law.

**The Bailiff:**

Final question, Deputy Lewis.

**2.2.7 Deputy K.C. Lewis:**

I deliberately did not mention the allegation of assault, because there may or may not be legal action. Will the Minister take personal responsibility for this, as it has been going on for so many years and ensure that residents, once again, have peaceful enjoyment of their homes? Thank you, Sir.

**Senator A.J.H. Maclean:**

I take personal responsibility of areas of the law under which my department has direct responsibility. On the wider sphere, I am more than happy to raise the matter for discussion with the Council of Ministers. It does cross a number of different departments and I understand the frustration that some Members feel in this regard. Certainly the outcomes are extremely unsatisfactory and indeed the timescales that have been involved in some of these cases have gone on for far too long, so we do need to find in one way or another a satisfactory solution.

**The Bailiff:**

Very well then. We will move on to the next question, which the Deputy of St. John will ask of the Chief Minister.