



Economic and International Affairs Scrutiny Panel

Draft Unlawful Public Entertainments (Jersey)

Regulations 202-. Review

Witness: Jersey Hospitality Association

Wednesday, 3rd July 2024

Panel:

Deputy M. Tadier of St. Brelade (Chair)

Deputy G.P. Southern of St. Helier Central (Vice-Chair)

Deputy K.M. Wilson of St. Clement

Deputy M.B. Andrews of St. Helier North

Witnesses:

Ms. A. Calvani, Co-Chief Executive Officer, Jersey Hospitality Association (1)

Mr. M. Calvani, Co-Chief Executive Officer, Jersey Hospitality Association (2)

[13:39]

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

Good afternoon and welcome to the panel. We are really grateful that you could come and meet us. Just to go through some formalities, we will introduce ourselves and once we have done that if you could do the same for the record. I am Deputy Montfort Tadier. I am the chair of this panel, which is the Economic and International Affairs Panel.

Deputy G.P. Southern of St. Helier Central (Vice-Chair):

I am Deputy Geoff Southern, vice-chair.

Deputy K.M. Wilson of St. Clement:

Deputy Karen Wilson, a member of the panel.

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

Deputy Max Andrews, a member of the panel.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Ana Calvani, Co-Chief Executive of Jersey Hospitality Association. We represent approximately 200 businesses within our structure.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I am Marcus Calvani, the other half of the Co-Chief Executive of Jersey Hospitality Association.

Deputy M. Tadier:

Thank you. If I can just draw your attention to the statement in front of you. That is just a formality to say that we are covered by parliamentary privilege here. It is also being livestreamed and recorded for our benefit but also for the public. If you are happy with that, we can proceed.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes.

Deputy M. Tadier:

Let me just give you some context to what we are doing in terms of this review. It is quite a specific review in a sense. You will probably know about the triennial Regulations and the Unlawful Entertainments Regulations that have been renewed every 3 years for probably the last 20 years or so. Effectively, that is to do with the Bailiff's customary laws powers, which he can prescribe also penalties for people who do not comply with lawful entertainment. If you hold an event without the Bailiff's permission, effectively that is unlawful and there can be penalties for that, so these regulations look at what those penalties should be. We are also mindful of the fact that the Minister has indicated he wants to come back with a new framework for the licensing of entertainment and he wishes to do that in 2 phases, by bringing primary legislation before the end of this term if he can but these regulations would run right until 2027 when he would hope to bring or somebody would bring a new framework on top of that. That is the context really that we are doing the review in. The first question: from your point of view, can you just give a little bit of an oversight of what your roles are and what the Jersey Hospitality Association does as well?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Sure. Do you want to do that? You want me to do that. Okay. We play tag team like this. The Jersey Hospitality Association has been around since the 1950s as the Hotel and Guest House Association. In the early 2000s it changed to Jersey Hospitality Association to encompass multi-

subsectors of a larger industry that makes up hospitality or, as the Government refers to it, the visitor economy. We now have 10 separate subsectors that cover our members from restaurants and hotels through to supply chains and entertainment and attractions. They all have their own subsector chair and then the chairs make up our board. Our board is representative of the entirety of the industry and that was a specific set-up so that every member could have a form of communication and the communication works in multi-directions and everybody gets a voice. That has come about in the last year. We work very closely with the Visitor Economy Strategy Group. We sit on the Visitor Economy Strategy Group as well. We have a new subsector that is for entertainment and events from the beginning of the year. That is run by Andrew Thomas who runs and owns 3D Events and does the majority of largescale, non-music-related events. He does the marathon, mostly sporting stuff, did the Super League, the Boat Show, things like that. He has got a huge amount of experience and works multi-island as well. He has given us some feedback.

Deputy M. Tadier:

That subsection is already running as of this year?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is, yes. He is in charge of communicating out to those members who fit into that group and again having their communication back to him and then back to us as a board. So it is working quite well. The Association has grown about 30 per cent in the last 12 months and there is a structure that seems to be working. It is far more formalised as to being able to represent what is a very diverse industry that historically might have only been looked at as restaurants and hotel but actually covers a lot more. As Ana said, we have got just over 200 companies that are members and they make up just over 400 establishments, so it is quite a significant number of businesses that we speak for when we try to represent everybody with it. I must say the other thing that has become quite apparent with this subsector structure is that not all subsectors may have the same opinion on everything, which is also challenging for us but at the same time I think the reality of a diverse industry.

Deputy M. Tadier:

Yes. Good. Thank you for that. That is a helpful overview. If I can turn to the question of your direct experience - it could be your own direct experience or it could be that you have heard from some of your members - about putting events on. Could you tell us maybe about the process that you need to go through? You could give us some examples of events that you have put on recently or in memory, whether they were straightforward or complex.

[13:45]

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes. I think for transparency too we should say that we run the Lido down at Havre des Pas, which is primarily an events base. We do somewhere between 40 and 50 events a year. They vary from weddings through to large corporates. Now, that is slightly different because the site is a licensed premises, so you can have a private party there as a licensed establishment and not fall into the same remit as this, but we do have some experience historically with putting on public events and going through the application process and we have had a jolly good briefing from our subsector chair this morning. I think the general thought of his subsector is that it works but it is incredibly onerous and it is quite complicated and it is a little bit disjointed. If you are very experienced in it, like he is, it is doable and you know who to talk to and you know what the process is, but if you are new coming into it, it can be incredibly complicated. While the information is available on the Government website as to who to contact and what to do, the reality is you probably end up going to the Bailiff's office first and then they tell you where you need to be going afterwards. Andrew did mention that in his experience - and obviously he has a lot of experience in it - once he has done each of these applications, the Bailiff's office does share it out to the multi different entities, so it kind of makes it quite easy, but we had a conversation about: could that whole process be streamlined; could it digitised; is there a way of being far more transparent about how far through the process you are? You would think with technology nowadays you should be able to pop it in there and it tells you what else you need and how far along you are and share it with the relevant organisations. I think the feedback was that Bailiff's Chambers are extremely helpful and once you have built a relationship with them they do help, they are keen to support and they encourage if it is done correctly, which at the end of the day I think they should be doing. I think Andrew's opinion was if you are a responsible event organiser and you have got experience it works, but cumbersome and clunky were the 2 words that he chose to describe it. Obviously we can all make things smoother.

Deputy M. Tadier:

I guess one question is that you would not want to replace one bureaucrat ... I am not saying it is bureaucratic but one clunky system for another clunky system.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, absolutely.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

That was the concern that we got back. Have they presented what is going to happen alternatively? No, not yet. They are keen to hear that information. If we are considering changing the process, what is it looking like, what is being proposed so we can compare and say: "It was better the old way or this sounds fantastic, it will streamline things." We do not know what the alternative is.

Deputy M.B. Andrews:

We have just spoken about what would be the alternative especially for those of you are in the industry and have a lot of experience in what you do. Would it be better if there was, say, political representation who was able to decide on whether events could go ahead, say at a ministerial level, even maybe contact with each respective parish, over that of the Bailiff who currently presides over the decision-making process?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think our concern with that would be ... and we speak of this concern not just for entertainment events. We have been heavily involved with the alcohol licensing law at the moment and I think that needs to tie quite closely with what is going on here. I think the 4-year political swing can become incredibly problematic because if you fall into that period of purdah and that kind of stuff then the whole Island just grinds to a halt. I think the advantage of the Bailiff's Chamber is that it is a continuum the entire way through and it does not have that cycle. The other alternative would be to have some kind of independent entity such as the Gambling Commission or that kind of thing that is sat there with a constant so that you could apply to it, it is part of their priority of the day, it can be done relatively quickly. In the process of this application at the moment, I think they look for about a 6-month time window before you have an event. The reality is our industry moves pretty fast and so if there is suddenly a need for an event, yes, you can go in there and if you have got experience and the right relationships you can get it through quicker but 6 months is an enormously long period of time. Why does it take 6 months to put on an event for approval? During that period, I am aware as somebody who is taking that financial risk in order to put on an event, you cannot really secure your finances until you get the yes. It might be 6 months of getting the yes and then another 3 months or so before you get the funding in place and get the rest of the structure. It definitely takes a lengthy period of time. Ana touched on before what is the alternative. We attended an event for events companies that was put on by the Government and it was discussed: can you digitise the experience; can you literally go on, put in your name, put in your company, if you have got one, put in what it is, a description, and it starts to put up: "Here are all the things that you need to fulfil in order to do it"? That clearly is quite a nice transparent and clear way for anybody to go through the process.

Deputy G.P. Southern:

Six months is an enormous lengthy period.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is a long period of time to be worried about whether you can or you cannot.

Deputy G.P. Southern:

That means that some event that is happening in the world cannot be celebrated or whatever is required in Jersey because it would be yesterday's news, chip paper.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, and I must say from our personal experience it is quicker than that but that is what is in writing. The reality is is it their priority in there to be doing it or do they have an enormous amount of other things that they are responsible for delivering too. That is why we say somebody like the Gambling Commission ... obviously they are dealing with gambling but could there be an entity there that is not specific to events until we get to a stage where we are heavily event ...

Deputy M. Tadier:

The Licensing Commission or something like that?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, that kind of thing where it is pretty easy. It is: "How have you done? Fill it in online. It looks like you are 75 per cent through, sir. Can we have this, that and the other? We will get it approved as quickly as possible." I think it would be easier that way.

Deputy K.M. Wilson:

Marcus, you mentioned the issue around purdah. You have got the 6-month period where you will be waiting for the decision and then potentially a purdah period in the middle of all of that. Given those scenarios, what would be the longest period of time, do you think, in the current legislation that would require ... how soon would you be able to get a decision given those scenarios? What impact does that have on business generally?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Purdah at the moment would not impact it because it goes through the Bailiff. If it moved to ministerial, purdah lasts ... how long does purdah last?

Deputy K.M. Wilson:

Three months.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

So it could be 9 months.

Deputy M. Tadier:

Purdah presumably should not come into play. I know we are hypothetical at the moment but if it is run by an administration of some sort it could be inhouse at Economic Development, it could be a parish-run thing or it could be an independent commission.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Absolutely. I think from a parish standpoint it could be done at a parish level and not involve the Constable. It could be done within the Economic Development Department and not involve the Minister, in which case the purdah would not impact it, but if it is going to be a ministerial decision then we do start to run those potential risks.

Deputy M. Tadier:

Thank you, that is helpful. Just to maybe make it even more tangible, could you give us an example? I come to you, I want to put on a wedding or a music event at the Lido or somewhere else.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is very easy there.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

It is a whole difference, private versus public. That is the huge difference.

Deputy M. Tadier:

You are obviously licensed premises so you have got a rolling entertainment licence, I guess.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes. Once you are looking at selling tickets, advertising to the public to come there, that is considered public, so it is a whole different kettle of fish for sure. We do very few. In the past years we have done one.

Deputy M. Tadier:

I know obviously there is the Havre des Pas festival already but if you wanted to put an equivalent new festival on on a beach somewhere, what would you go through?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

You would have to do your business plan or your event-based plan. Part of that would have to be security analysis and have a third party licensed security company looking at that. You would have to have fire department recommendations on fire safety and escape routes and all that kind of stuff, based on your occupancy and the structure or not structure you are in.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

The fire trucks being able to access that.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, we are going through that with a J.H.A. (Jersey Hospitality Association) one at the moment.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We are having to change the site because the fire truck did not fit through, so we cannot use the site now.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

You would probably need to also, with large numbers of people, communicate with somebody like St. John Ambulance or have a plan in place with that. You would have to get your public health and environmental health structure set up if you were doing food with that. Then you put together the package and you take it to the Bailiff's Chamber and they would analyse it, have a look at it, discuss it with you and send it out to the various entities. The fees are I believe extremely reasonable. I do not think the fees are anything that the industry has any issue with. It is just that time period and that clunkiness of every time you do it you have to go back through that same process again. Is there a way to make that smoother and swifter? Are there some relatively basic information sheets from each department that could be filled in or put into a multi-box-ticking exercise online so that you are not left thinking: "Have I done it? What have I not done? Is it going to get approved? Is it going to get sent back?" That question mark part of it I think is the thing that leaves the business community ... and new regulations. We are constantly as an Island bringing in new regulations that we are not particularly good at sharing. Suddenly you find that something is being slipped in at the back of a regulation that you have missed or you did not know about and then it is coming back to fix it again and send it back out. I think the digital route is something that could definitely take those question marks out and smooth it out a bit. Obviously licensed premises is a completely different situation. If you have got your entertainment permit ... so you need a P.49 on top of your category 7 licence in order to have entertainment and that is quite prescriptive, that P.49 process. When you go through the application for the P.49 you have to define what types of entertainment you are going to be having in that establishment and it is written on to that licence and that is a rolling one year. You have to renew it every year. It is prescriptive and I think over the years we have caught up with the fact that you cannot be that prescriptive. You just do not know. You might have a bride who comes in and suddenly says they would like to have some very strange form of entertainment that nobody has ever had before. It is perfectly innocent but it just has not been prescribed on your P.49, so you start to then try to be as creative as possible with the P.49 writing so that it opens you up to be able to do as many things as possible.

Deputy M. Tadier:

What kind of prescriptions? Are they around like music and number of instruments?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

The music would be whether it is amplified or not amplified, it will be the type of dancing. I think our one has got silent disco written on it, stage performers, poetry. It is pretty prescriptive but if you suddenly had somebody in who liked to juggle reading books, does that fit into it or does it not fit into it? At the end of the day it is amplified or non-amplified musical entertainment and then there must be some more generic entertainment category that it can fit into as opposed to being quite that prescriptive.

Deputy M. Tadier:

I think we have covered the difference between private and public events. Private events are probably a lot more simple, especially if they are in an existing venue, but it is maybe new events and public events that really cause the problem in terms of ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We assume that is kind of what this is about.

Deputy M. Tadier:

Yes, indeed.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

This might be a slightly rhetorical question. Is there a clear definition of what defines a public event?

Deputy M. Tadier:

We are also asking that question because the definition is entertainment and of course this is about unlawful entertainment, which is entertainment without permission. I think we are looking at that. We do not have a clear answer, but something that you need permission for is an event, so clearly a gathering is not an event because you are allowed to gather under human rights. I suppose the ordinary understanding of entertainment, what we might understand is music and fun.

[14:00]

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Could you, therefore, have a food and beverage gathering that is not very good fun and it not fall into this? There seems to be a big question mark as to what this is. Is it something that is publicised, so if you are promoting it does it become an event?

Deputy M. Tadier:

These are questions that we are going to put to other witnesses, presumably like Law Officers or the Bailiff's Department, but I am guessing some of that depends on what other agencies need to be involved. If you need to inform the fire department or the ambulance first, those things probably define what you need permission for. It is a bit of a circular argument in that sense. We are going to be interested in that.

Deputy K.M. Wilson:

As the Chair has said, I think that is part of this review process, which is to bring some clarity to this. You just mentioned the variation, there was a request in your P.49. How long does it take for any variation to be recognised; do you know? Have you at any stage been aware that any of your members have attempted to get a variation and perhaps have been subject to an allegation that they have been illegally providing an event or an entertainment despite the fact that they have attempted to get a variation to their licence?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We have had members in the past, not since we been in the C.E.O. (Chief Executive Officer) role but when I sat on the board before, that have been questionably in trouble over providing forms of acoustic entertainment in establishments that are licensed but do not have a P.49. They just are unaware of the fact that they would have needed to have a Bailiff's entertainment permit in order to have the guitar player sit in the corner of the restaurant that one night. I think there is a lack of understanding that that is the process and in general the industry assumes that a P.49 is only ever tied with a category 7 licence, which is an entertainment licence. You would not probably assume, if you were a restaurateur, that if you wanted to have a Spanish-themed evening in your restaurant and you wanted somebody playing the Spanish guitar that actually that is a form of entertainment and you may be violating your restaurant licence by not having a P.49 in order to do it. The licensing process in this Island is immensely complicated. I think as part of this events work and a relook at the alcohol licensing law as well, there is definitely multiple ways that we can simplify that process and still make sure that everybody is behaving themselves in the process. There are some schools of thought ... the problem that we have is that, as you know, if you write a brand new law it is a lengthy process. There is a back-up of draftsmen and women and then it has to be approved and then it has to go to the Privy Council and then it has to come back. If you have a ministerial 4-year change in the middle of that process, you may be starting again. In the 12 years we have been back, I have redrafted the alcohol licensing law 3 times and it just stops and it starts again. So we then start to look at can you make changes to the existing laws, because that is a faster process than writing a new law. With the 1950s tourism law, yes, it is relatively easy to just eradicate quite a lot of the detail that has come on to it over the years that is no longer relevant. The alcohol

licensing law, as far as the industry is concerned again it works but it is an incredibly complicated and clunky process and you do not really know whether you are going to get approved or not approved. It is only quarterly. It could be as simplified as on-trade and of-trade licences and you going and explaining: "My name is Geoff and I would like to open this and this is my business plan." "Yes, perfect. We will keep an eye on you for 6 months or 12 months."

Deputy M. Tadier:

In a moment I will pass over to Deputy Andrews, but just one final question from me is you mentioned the risk of a break in the middle. One of the things we are trying to understand is getting the balance between the Minister on the one hand saying: "It is going to take me a while to bring in a new law, including new regulation" but also on the other hand we are quite keen as a panel to make sure that as much gets done in this term before an election and potentially a different Government that might not have this as priority. I guess the question is in terms of your preference, when would you like to see headway being made with this new law?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We are private entrepreneurs, so tomorrow. In the private sector we move at a completely different speed and a lot of the frustration that comes between public and private sector is just that completely different concept of timescale and how long it takes to do something. We have got a Minister in place at the moment who is very pro the visitor economy and the new visitor economy strategy calls for growth, which is a fantastic thing that our industry has been calling out for. We have not had a strategy for 20-something years. I think it is important that we remove as many barriers to business and growth and progression as we possibly can before the next election.

Deputy M. Tadier:

Would you like, in an ideal world, to see this completely new system before the next election if possible?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, absolutely.

Deputy M.B. Andrews:

Thank you for answering the questions. I am just interested to know your experience of the probability of events that have been cancelled in the past and the impact that has had on businesses?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Cancelled because of this system?

Deputy M.B. Andrews:

Yes, due to the system that is in place.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

I am not sure if we are aware of a particular one. That is not to say that there have not been cases. From the Association's point of view, as I hope you can appreciate, not everybody in our industry is a member, so there are plenty of businesses within our sector that do not subscribe to being a member so we would not know everybody's challenges. We do have good forms of communication with the businesses that are members, so they do keep us to date or call us always if there is an issue for support and guidance but if they are not we would not know sometimes, so it is hard to say.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think this subsector has the ability to be a little bit more pop-uppy. I do not think "pop-uppy" is a word. We have got long-term establishment member entities that have been working in this subsector for many, many years but it is quite easy to get excited as an individual and say: "I am going to put on an event and it is going to be a wonderful thing." It is a bit like we see regularly people might make a lot of money and they suddenly decide that what they really want in life is a restaurant. I would regularly tell you to go and spend all of that money in somebody else's restaurant, do not do it yourself. The reality is people do put on events and once they are too deep into it they realise this is an extremely expensive industry. This can go wrong very easily. If you do not sell enough tickets, suddenly you are upside down. There have been entities that have obviously done it, not got the spreadsheets quite right and have ended up never doing it again as a result of this. Then you see the next person who comes along and gives it a go. As an association, we will encourage anybody to give it a go. We are there to try to help guide in the right direction so that you do not stumble at the last hurdle, but you see every year there is the odd event that pops up that has not been done before and some of them work and some of them do not. It is risky on an Island that is our size. I know in the strategy there is a call for growth of the visitor economy through event-led tourism and I think that is something that we have got to get this right in order to help happen. That means much larger volumes of people coming to Jersey for that and then we get into all sorts of other worlds of various conversations about we probably need to enable people to camp in a field if we are going to have a big music festival and stuff like that.

Deputy K.M. Wilson:

In terms of the pop-uppy industry, on the whole those people have been approved under the law to hold an event. Is there any feedback where those events have failed or they do not feel that they can proceed that they have communicated the fact that meeting some of those legal requirements

was costly to them or where they perhaps, having had the licence, felt that they could not continue to invest and deliver that kind of response or that kind of offer to the visitor economy? Is there anything in their delivery where they felt, having got the licence, in order to make it financially viable some of them may well have steered on to the unlawful path to just make it financially viable? I think what I am trying to do is establish the balance between meeting the legal requirements and then the financial viability of a business that does not have the track record, as you have just described, and whether there is a potential for some risks there in the current legislation that we are not picking up or that we have not established.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I am not sure the costs come from ... tell me if I am wrong here. I do not think the costs necessarily come from the legislation part of it. There are enormous costs that are caused by excessive health and safety and public safety and security staff. Your security bills for an event are enormous and then the number of public toilets that they prescribe you have to have can be an enormous cost on the top of it. Suddenly you want to have a screen in the middle of a park and we do not have any of those screens on this Island, so then there is shipping them in. If we are going to become an event-led, tourism-based Island, we need to have a significant amount of infrastructure on our Island already that is there and useable for multiple entities. The costs associated with putting on an event to then charge the consumer or the guest to even break even from the standpoint of entry tickets some of the time are prohibitive by the time you have put all of those costings together.

Deputy K.M. Wilson:

I suppose my question is more about is it more likely that people may be in danger of breaking the law if they have a business offer that in order to comply may well be prohibitive for them to continue to deliver that business?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think the more you micromanage and the more you put extra costs on a business owner that might not actually be necessary but are prescribed for everybody, I guess the higher chance you run of that risk. For example, in different scenarios you need different amounts of security or amounts of toilets. If they are too prescribed as if this is the number of people who come, this is the number of security you need and this is the number of toilets then, yes, you burden that event with costs that might not be necessary. That is where I think you start to run the risk of it because as an event ...

Deputy K.M. Wilson:

Would they breach the regulations in order to ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, and you say: "I cannot afford those toilets, I am going to have half the amount" and then you are suddenly in breach and possibly it was enough.

Deputy M. Tadier:

Is there an uneven playing field in certain areas where, for example, at some events you see a heavy honorary police presence? I do not know if that is reimbursed, I am not sure how it works, but others might have events that entirely need to be privately secured, private security. Is there an issue around that or is that not something that you have come across?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I am not sure. Does the parish pay the honorary police? You have a huge number in St. Helier, for example, does a lot of events.

Deputy M. Tadier:

We are straying somewhat into ... I think what we are trying to do is ascertain what a new system might look like and how that might be constructed. I have heard of reimbursements need to be made or contributions for certain things. Obviously the honoraries are not paid by nature but there might be a cost to providing services in terms of infrastructure, cars and petrol, that kind of thing.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

I think there have been conversations about remunerating police officers for being able to assist at those events.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

The States Police definitely have started to look at it. I do not know how it works with the honoraries. At the end of the day, St. Helier is a slightly different beast in itself because it has got a much bigger structure within the parish hall. A large number of the larger events on the Island are run by the parish and one would assume that, therefore, the honoraries are up for helping. It is part of the parish ...

Deputy M. Tadier:

Can I come back to the pop-ups? I do not think it is an elephant in the room but there is going to be a couple of very high profile visitors coming to the Island in a couple of weeks and that will no doubt be very well organised and that has been turned around in a number of a few weeks.

[14:15]

If you had a couple of pop stars that you knew of who happened to be free and were coming over to Jersey but they could only come over in 3 weeks and you wanted to put on an event for them outdoors, how likely do you think you would be able to put that event on?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think you answered that yourself.

Deputy M. Tadier:

You could do it in a private venue. You could host that, I believe.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

You would have to find a venue that has got the right level of licences and then quickly if you have the right amount of funds to turn around and make that event happen because, again, it comes down to the lack of infrastructure that we have on the Island to be able to sustain that. Everybody in the events industry always looks at calendars, everybody from charities to sporting events. If it is a weekender, all the resources are going to be taken by the weekender so you are not going to put any other event on because you know it is such a big event on the calendar and everybody tries to work around those big events throughout the year. It is sad in a way but that is the only way you know you can make it happen. Even if you had the funds, you just know the resources are not on the Island to get you the supplies, to get you the logistics of generators and toilets and all the things that we were just talking about to be able to put on multiple events on the same weekend.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think we are in a uniquely strange scenario at the moment on this Island because we have such a lack of event space. One of the reasons why we decided to do or were asked to do what we did at the Lido was a lot of those bigger ballrooms have shut in the hotels. The event spaces have closed. Our opera house is currently closed. You are pushed to doing things in marquees, effectively, because there is not a decent centralised Jersey event space. If we had a multi-thousand-seater occupancy event centre then I think a lot of this would be very different because if you did have a couple of pop stars you would bring them on in there and you would assume that that would already be a licensed structure. As we do not, we are popping marquees up down piers and in fields and all over the place.

Deputy M. Tadier:

Each one needs to be licensed every time, yes.

Deputy G.P. Southern:

Does Fort Regent fit in there or not?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Avoiding the topic of what is the state of Fort Regent, it did, did it not? We refuse to ever say in the heyday because we believe that the world is a different place and the industry is different, but in the past you saw larger-named pop stars perform at Fort Regent and it had the occupancy there and it was already licensed and you did not have to apply for a permit in order to do it. We certainly hope as an association that it is not too long before we see a decent sized event space come back because without more hotel beds and without an event space it is quite hard to have an event-led tourism boom. There clearly has to be something that has got to come in order to make that happen.

Deputy M. Tadier:

Before we move on to question 3, Max, which you will ask in a moment, if that is all right, I have got a question. I think we have touched on it possibly. Could you tell us if there is a difference between putting on events in different parishes? If you have got an event in St. Helier, a public event for example, versus one in St. Ouen in a field in a marquee, is there a difference?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We do have members that come up against, and I do not think it is a secret ... there is a little bit of a nimby issue that goes on: "I do not want to have a big corporate do in a marquee that is at the side of my enormous estate in the middle of the countryside because I might be able to hear a noise when I am going to bed or sipping my champagne in the garden", I do not know. I think they have a lot more barriers to being able to put on events in those rural locations than St. Helier, for example, that is more used to it. I understand that and the fact that if you live in St. Helier or in the denser areas of St. Helier you are probably slightly more used to a certain level of noise, but I think one of the things that is unique about Jersey is that we do events in some pretty unique locations. What probably will drive people to come here and experience and spend is being able to do things that are not necessarily in a 5,000 occupancy square box in one location all the time. I think we have got to get that balance right. If we are going to get people on a plane to come to our Island, it is going to have to be something that is different than if you drive down the road in Birmingham and go to a box with no windows.

Deputy M. Tadier:

Thank you.

Deputy M.B. Andrews:

The panel notes under the current regulations that anybody who is responsible for holding events and who has not gone through the official process could be subject to 6 months imprisonment or an

unlimited fine. Do you think this acts as a good deterrent? Have you ever experienced events that have been held and no official process has been followed by the event holders?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We spoke with Andrew about this earlier. The general consensus is a non-prescriptive fine and jail is potentially disproportionate to what happens. His opinion, and I think we probably as business owners agree, is that a temporary closure or ban on you being able to do it is probably worse than being fined or going for 6 months holiday in La Moya. You could violate it in such a different scale of ways. As we said before, if you do not know whether it is an event or not to begin with, you might not have even realised that you have violated it and then you find yourself with 6 months in jail for something whereas you could be very, very aware of the fact that you have had a 3,000-person rave with various bars and all the rest of it all night long. The variation within this remit is huge. To the business owner that wants to run events, a ban or a temporary ban is far more concerning, I think, for them. That really lies and ties with the way that the alcohol licensing law is too. If you behave and manage in an inappropriate manner, you are going to lose your licence. If you lose your licence, you lose your livelihood.

Deputy M. Tadier:

That follows on to the question, if you do not mind me interrupting, Max, in the sense that it is the venues that are licensed as well as maybe the person. Certainly for licensing you need to have a licensed person and licensed premises but in the event sphere you might have somebody who is a very experienced event organiser but just does not have premises. Could we look to licensing an individual for that rather than ... and saying: "You are a competent person with experience, therefore you can put on events in certain areas"?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I am pretty sure, and please correct me if I am wrong, if you have an event and you want to sell alcohol, you still need to transfer a licence from an existing licensed premise into that event space. That is a minefield because is it actually a transfer or is it a duplication of a licence during the same period of time? Does the establishment have to close while the other thing is going on or not?

Deputy M. Tadier:

It does not, I do not think, no.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

These are all big question marks that we do not still really understand and I unfortunately know that law probably too well. There are elements - and Andrew mentioned this - of sporting events of a large size that do not need to apply. There are events that are going on that do not apply for licences

or charities do not do it. I think the bigger problem is the definition of what is this event or is it not an event? Is it a charitable gathering? Is a sports group or club gathering an event or not an event?

Deputy K.M. Wilson:

Has anybody explained the difference as to why they are treated differently at all?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We asked Andrew what his take is on the definition of an event and he felt that if you publicise and promote, it is an event. If you do not publicise and promote, it is not an event, but is that prescriptive enough? If I run a sporting club that is full of members and we want to have a get together and I put it on our Facebook page, am I promoting it? It is a tricky one and obviously you guys are looking at it as part of this, but what defines an event that needs this type of application process and what can you do that does not need it?

Deputy M. Tadier:

I think we have covered 4, Geoff, which was about the timeline.

Deputy G.P. Southern:

I think so, yes.

Deputy M. Tadier:

Karen, can you ask the next couple?

Deputy K.M. Wilson:

Yes. The panel understands that there are a number of associated items of legislation within the event and entertainments licensing and that these will be updated in the future. Could you or Ana tell us what are the key elements that need to be addressed in developing the new legislation first of all?

Deputy M. Tadier:

Bearing in mind you might have touched on some already.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

As an industry, if we can make this type of legislation tie and correlate with the alcohol licensing law I think is critical because we have got too many laws that are kind of touching what you would assume as a business owner are the same thing but actually are not or are overlapping slightly. As I think we have probably made quite apparent, some kind of digital, transparent application process that is swifter, cleaner and more easily accessible.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

To give access to newcomers in the industry. I think that is the reason, because the ones that are here and established, they know. They have done it for several years. I think if we are going to attract new entrepreneurs, new event organisers, the younger generation that want to, find that industry exciting and they want to get involved in it - and there are lots of fantastic musicians on the Island that think: "Great, we are going to do this" - how do they get around that if they do not have the background of it? So that will be interesting to see.

Deputy K.M. Wilson:

When you talk about the interplay between various legislative programmes, are there any particular areas? I know you have talked about alcohol licensing, but if I were to ask you what are your top 3 or 4 areas of legislation that impact upon the ability to hold an event?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Environmental health, alcohol licensing.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Health and safety regulations.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is health and safety, alcohol licensing legislation-wise. Those are the 2 big ones, are they not?

Deputy K.M. Wilson:

In terms of how would you want those to be addressed in any new legislation?

Deputy M. Tadier:

What are your wishes?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We touched before on if you want to sell alcohol at an event you have got to transfer an existing licence. Clearly that is something that has got to be dealt with. If Max is having an event and comes to me and wants to transfer my licence, I might not even be there and I am liable for what Max is up to while running the event. That is an extraordinary scenario for anybody to be put in. I think there is modernisation of that alcohol licensing element. Then I think it needs to be a level playing field when it comes to the health and safety components, with environmental health. It is an event, is it not, when the French market comes to Jersey? Is that an event? Does it apply for an event licence?

Deputy M. Tadier:

What do you mean by a level playing field?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I will use it as an example and I do not know what the answer is. When the French market traders come to Jersey, for example, do they fall under the same public health and environmental health standards that a local caterer entity does? Have they been checked? Do they have an Eat Safe rating, that kind of stuff, or do they not? Are they paying the same taxes; are they paying the same pitch fees; do they have the same rules and regulations in place? We certainly have members that find it very frustrating that you are here as a local entrepreneur running a business and yet the Government help fund bringing other people on to the Island that have lower operating costs, come and do exactly what you are doing on a daily basis and then leave and say thank you very much.

Deputy K.M. Wilson:

Does the legislation in your view capture any of that? Do you think there are some gaps in the current legislation that cause that concern among Jersey businesses?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think they are overly ... what did Andrew describe it as? Cumbersome and clunky. I think the cumbersome and clunky element of it causes an unnecessary question mark and back to that French market, is that an event? I do not know. Is that an event; is it not an event? Who organises it? Have they applied for it to a Bailiff's panel? The chap who is selling the French cider, whose licence have they transferred?

[14:30]

I think it is so overly complicated that it just creates an unnecessary number of questions, when if we strip it right back and look at it from 30,000 feet, we are having a fun gathering of people that are hopefully trying to not cause any harm. I think a lot of this is overly controlled for the sake of maybe historically there was once a rave that went wrong and so we have written lots and lots of laws and we hold everybody accountable to them.

Deputy K.M. Wilson:

I have just written "controls" down as you were speaking. What you have just described is there are 3 dimensions to this, which is the public and the private events that are required or requested from local businesses but then we have an international dimension to this as well where businesses are coming into the Island to set up. One of the things I think we need to look at is how the regulations take action against some of those businesses if they do not comply with the legislation. That is what

I am interested to know: are you aware of what are the requirements for any of those businesses coming into the Island to comply with the regulations that we have here?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

I think a lot of times they just assume it is the same as the U.K. (United Kingdom). Whenever I have had calls in our personal business from entities that do large events in the U.K. or even ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We had one last week where you had to explain the entire process.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes. I think we end up saying: "You need to go to this website, you need to look at ..." even one of them was trying to do some kind of bingo event and we were like: "There is the Gambling Commission, you have to deal with that."

Deputy K.M. Wilson:

You take them through the process.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes. They just assume it is the same as the U.K.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Different types of entertainment need different ... you have just touched on something right there. There seems to be a trend, certainly Europeanly at the moment, for these entertainment bingo nights where you stand on the table and you dance and then there is some live music and then you play bingo and you eat something. Just stopping and thinking about it for a second, that is a minefield. You need gambling permission, you need alcohol licensing permission, you need an event permit. You have got stuff that is not really that complicated going on elsewhere that as an Island I think we are overly regulated. We have a huge amount of regulation that seems to ... the barriers to business is something that draws huge attention on the fact that we can just get rid of a lot of this and is it actually going to cause any damage and will it open up the ability for the economy to thrive and start to grow? Have we overly regulated and strangled our economy as a result of it?

Deputy K.M. Wilson:

Just on that then, in your opinion will the events industry be detrimentally impacted should no update on the events legislation be put in place prior to July 2027?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We touched on it before, but it is multifactoral. You need to be able to get equipment on to the Island in order to do an event, so there are elements of: is there equipment here; what are the costs associated with it; is there the demand; do we have the footfall? There is all of that side of it that is separate from the regulation part of it, but I think we are not going to see growth in that subsector of the industry and an economic increase to our visitor economy unless we strip out some of the regulation that is in there at the moment.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

And have it accessible for newcomers coming into the industry that want to come in.

Deputy K.M. Wilson:

What you are describing is that if there is no update before 2027 we are losing opportunities to expand the business.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Definitely. That is definitely the case. We need to be seen as somewhere that is promoting and up for business and is open to help this as opposed to having constant barriers there to try to stop things happening all the time, facilitate. Ana is having some t-shirts printed with that.

Deputy G.P. Southern:

How does the U.K. run things? Are there marked differences between us and the U.K.? Are there examples elsewhere in, let us say, Europe that do things differently/ better?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Maybe it is my Jerseyman in me but I struggle when we ever compare ourselves with the U.K. because I think we have got a unique opportunity to not be the U.K. We have also got a unique opportunity to not be mainland Europe. I think we have got to give credit to the French, for example. The amount of social gatherings they have and the markets and festivals and celebrations that go on in small towns around the Normandy and Brittany area is extraordinary and it is vibrant and it brings community together of every age range. Alcohol is there at almost everything. There is not a problem with the way that people consume. We do not see over-consumption. People having a glass of wine with a child sat in a pram next to them is something that is totally normal. We certainly as an association, and looking at the alcohol licensing law, have a desire to not just change the regulation but how do we change over the span of a generation the behaviour of what goes on in Jersey and its relationship with gatherings and community gatherings and alcohol and antisocial behaviour and that side of it. I think we should be looking south when we start to look at how do we grow this type of entity of events, definitely. It seems to be far more community spirit driven.

Deputy M. Tadier:

In a lot of French towns you go to the mayor or the town hall to get permission and I presume it is fairly straightforward. It might be worth us looking at that.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Take a field trip.

Deputy G.P. Southern:

They probably have as many regulations as we have but just ignore them.

Deputy M. Tadier:

Yes, they might take a pragmatic stance.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

There may not be regulation that is there to begin with and maybe you just get penalised for doing it. One of the big things that we are keen on too is that people who serve alcohol in our mind should have some kind of training. We saw it when we lived in the United States. I had something called a bar, which was not a legal bar but you had a half-day or a one-day training course in responsible alcohol service and understanding what do people look like when they have had too much, how do you deal with them, that side of it. I think if we start to understand it is a profession and people need training in it and put the responsibility on to the business owner and the people serving it, drive people out of the off-trade binge drinking, preloading, duty-free purchasing consumption that we have got into as an Island into a regulated safe environment of the on-trade and make it more economically viable for that, I think we will change our culture on the Island quite dramatically as a result of just doing that. It will make it a safer place to be having events and service and all the rest of it because the people who are doing it are trained and have understanding of it.

Deputy M. Tadier:

Unless you have got any questions for us, I think that is ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We will be keen to have feedback as far as your findings and definitions, because it sounds like it is a process of exploration in all areas as far as ...

Deputy M. Tadier:

Indeed. In a sense, as I started off, in some ways what we are looking at is fairly narrow but I think the wider context of it is we are mindful of all the things that you have raised and the fact that there is a context to this, which includes other bits of legislation, including the alcohol licensing laws.

Anything we do not necessarily make findings or recommendations on now, we will certainly be using those, I would have thought, for future work.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, brilliant. As a Government, if you guys can support where the support is needed for a change of the alcohol licensing law and this part, and I know the ones that have already been changed from the tourism law, in this existing governmental time period, I think the industry will be very grateful for that. It will tie in well with the visitor economy strategy and it is set up that we can deliver in a much easier way to those targets.

Deputy M. Tadier:

Thank you for that.

[14:40]