



THE JURATS' CHAMBERS
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3 March 2026

Deputy Montfort Tadier
Chair
Economic and International Affairs Scrutiny Panel
BY EMAIL:
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Dear Deputy Tadier

Draft Alcohol Licensing (Jersey) Law 202- [P.112/2025] Review

Thank you for your letter dated 24 February 2026 addressed to the Licensing Assembly.

We start by saying that the Licensing Assembly is charged by the 1974 Law to administer the licensing of alcohol sales and, while absolutely content to accept a decision by the States to amend the regime, is also content to continue operating as Jersey's licensing authority. That has always been its position. Accordingly, in an effort to be helpful, we will answer your questions as fully as we can while at the same time emphasising that these are largely political questions for the Assembly.

As you know, the Licensing Assembly has long provided a service to the community in the regulation of liquor licences. When considering whether an application should be granted, the Licensing Assembly does so within its current statutory framework, having regard to the nature of the business conducted or to be conducted on the premises to be licensed, the suitability of those premises for the conduct of said business, the nature and extent of any objections and the interests of the public in general. As will be apparent below, one of the criticisms of the present Law is that it does not provide clear policy guidance for the grant or refusal of licences. Article 6(9) of the Law says only this:

"The Licensing Assembly, in deciding whether or not any application should be granted, shall have regard –

(a) to the interests of the public in general;

(b) to the nature of the business conducted or to be conducted on the premises sought to be licensed and the suitability of those premises for the conduct of that business,

and may grant a licence of a category different from that for which application is made".

Whether there is or is not a new licensing authority, we consider that it is appropriate that the States should put into place a better system for informing the licensing authority, whoever that may be, of the desired policy outcomes, and improving the system for appeals against the decisions taken in the first instance.

We now turn to your questions.

- **How would the Licensing Assembly describe the way the current licensing system works in practice? Is the Licensing Assembly of the opinion that the process requires streamlining?**

First part of the question: The Licensing (Jersey) Law 1974 ("the Licensing Law") provides for the procedure for the grant of licences, and we assume you do not want us to take you through the existing Articles.

However, one point of practice may not be apparent. Applicants are also able to request 'Extraordinary' Licensing Assemblies on an *ad hoc* basis. The Licensing Assembly is happy to grant such requests and determine matters at short notice.

To demonstrate the number of Extraordinary Licensing Assemblies convened in recent times, please note the following statistics: **2025** six additional Assemblies; **2024** two additional Assemblies; **2023** five additional Assemblies; **2022** five additional Assemblies; **2021** two additional Assemblies; and **2020** seven additional Assemblies.

The Licensing Assembly may also be convened for the consideration of any Representation/Matter the Attorney General is of the opinion requires a determination by the Licensing Assembly.

The Application process has been improved in recent years in part as a result of the Covid-19 pandemic. The Application process was revised and a new Application Form was approved. Applications are now made on-line via Economic Development, which circulates to the Judicial Greffe, the relevant Parish and various Government departments the Application Form and supporting documents. As Economic Development circulates materials on receipt, applications may be determined within a short timeframe.

Renewals are now processed on-line and a Certificate of Renewal is provided setting out the conditions of the renewed licence.

As to when a licence is granted or refused, the existing Law provides a discretion to the Assembly. As with all executive discretions, it should be exercised consistently and reasonably, having regard to the parameters set by the legislation. The Licensing Assembly is given no statutory guidance under the 1974 Law other than to have regard to the interests of the public in general and the suitability of the premises for the licence which is sought. In practice, the primary considerations which in more recent years have governed the Assembly are:

- The interests of those living nearby
- The views of the parish as expressed by the Parish Assembly which considered the application and by the Connétable
- The suitability of the premises having regard to Fire and Environmental Health reports
- The suitability of the applicant
- Any comments from the States of Jersey Police

Where a licence is granted to a company, the suitability of the proposed manager is considered by the Inferior Number of the Royal Court, where managers are currently registered.

Although the position was different thirty or more years ago, the Licensing Assembly has for a long time maintained the position that the existence of nearby licensed premises is not a reason to refuse a licence – in other words, to allow competition in the market.

We are of course aware of criticism of the Licensing Assembly occasionally advanced by unsuccessful applicants. That is unsurprising. The relevant businesses want to sell more alcohol so they will make more profit and any regulator which restricts this will receive their ire from time to time. However, the public interest requires some restrictions especially from public health and community safety perspectives. Members of the Assembly see routinely when sitting in court the unacceptable consequences of excessive consumption of alcohol.

Second part of the question: During the Covid-19 pandemic, regulations provided that the Licensing Assembly was properly constituted if it consisted of the Bailiff (or the Deputy Bailiff or a Lieutenant Bailiff) and two Jurats. The experience of the Licensing Assembly whilst this regulation was in force was that the Licensing Assembly constituted in this fashion was sufficient to discharge its business.

- **What thoughts does the Licensing Assembly have on shifting licensing functions to the Regulation Directorate?**

This is a matter for the States Assembly. There will be resources issues in a change of licensing authority, and we set out below how the current arrangements work.

- **How does the Licensing Assembly view the implications of removing judicial safeguards and changing appeal routes?**

We are not sure what you mean by removing the judicial safeguards. Those will remain through the remedy of judicial review, whatever system is adopted. It exists at present, notwithstanding the Licensing Assembly is considered the ultimate licensing authority. The last judicial review was in 2016 in respect of Banyan Retail. In practice, judicial review is rare, perhaps because where the Licensing Assembly refuses to grant a licence a written reasoned judgment is provided to the applicant and generally published too. Where an application is refused the door is also open for the applicant to re-apply, subject to it satisfying the requirements or recommendations set out in the refusal judgment.

We note that under the proposed law applicants would have access to an appeal process instead. It is partly just a matter of style, but we would much prefer the right of appeal to be described as an appeal to the Royal Court rather than the "Licensing Appeals court". The right of appeal itself is drafted in the same way as many statutory rights of appeal have been drafted in other legislation and there is an established set of precedents for how such rights are to be construed. It would seem unfortunate potentially to open the door to arguments for a different approach to the right of appeal than that which has been established.

- **How does the Licensing Assembly see the proposed enhanced role of Parishes affecting the licensing system?**

If the Licensing Assembly were to continue as the licensing authority, we would have no objection to the proposed enhanced role of Parishes in respect of the Connétables under the draft Law, to be empowered to refer matters in the same manner as the Attorney General does under the existing law.

In fact, this happened on one occasion in recent years when the Connétable of St Brelade (aware the Licensing Assembly was to sit the next day) sought to apply to the Assembly to compel a licence holder to cease the sale of alcohol, because for an excessive period of time the company had failed in its obligation under the law to register a manager with the Court. The application was granted and the Attorney General was informed. Accordingly, the matter was dealt with within 24 hours.

- **From the Licensing Assembly's experience, how might the proposals influence bureaucracy and overall process efficiency?**

To replace the current 'team' that processes the licensing applications, we estimate that the new authority will require two or three full-time staff. The potential difficulty is that one cannot anticipate that the licensing work will be spread evenly across the calendar year. The present system introduces some routine as to when applications are made, although the Assembly does accommodate urgent cases where the statutory routine causes hardship. As a result, the members of the licensing team in the Bailiff's Chambers and the Judicial Greffe have other work which they accomplish in those departments. It works efficiently. Creating a new team to deal with these applications stands the risk of creating new jobs which by their nature must be full-time jobs but are unlikely to require full-time work.

The Bailiff has for centuries had a jurisdiction to grant entertainment permits. This jurisdiction is reflected in the Unlawful Public Entertainments Regulations 2024, those triennial regulations having been renewed since 1991, no satisfactory alternative having been found over the years despite many efforts to achieve that (and the oft stated agreement of successive Bailiffs to lose that jurisdiction). The Bailiff's jurisdiction under these regulations extends beyond licensed premises, and works conveniently with the jurisdiction under the Licensing Law. What is proposed will be at

risk of creating two authorities with this jurisdiction, which would be inefficient, unless the new authority will have to deal not only with Special Events Licences but also licences under the triennial regulations. For your information, in 2025 there were 268 applications for special events and 47 extensions to permitted hours.

From the Assembly's perspective, efficiency relies on good communication between the Parishes and Government departments and the applicant satisfying the requirements of the Fire Service and Environmental Health (and in some cases an architect). The Licensing Assembly has convened for Extraordinary Licensing Assemblies where the application was in fact premature as works set out in the Fire Report or Health Report were outstanding or the premises' construction was incomplete. The Licensing Assembly will not grant a licence where the health and safety of the public is not assured.

- **How does the Licensing Assembly think community input should be evaluated alongside professional assessments?**

The Licensing Assembly has always taken the view that interested parties, where appropriate, should be heard and each decision be made on the merits of the application. The Assembly meets in public and members of the public are welcome to attend. Indeed, those who addressed the Parish assembly are entitled under the current Law to address the Licensing Assembly.

- **What are the Licensing Assembly's reflections on reducing seven licence categories to three?**

The Licensing Assembly considers reducing the number of categories appropriate. Historically, licences were granted subject to the permitted hours under the category granted. Formerly, applicants ran their businesses either as a Public House or Restaurant etc, but modern trading methods have blurred the lines. For several years specific conditions have been imposed on licences limiting the hours of sale due to the submissions of Applicants before the Parish Assembly and more recently when providing a business model setting out proposed operating hours.

Furthermore, in order to assist applicants the Licensing Assembly has, where appropriate, granted a licence subject to the applicant operating within the description of their business model. Therefore, for example, a Taverner's Licence may be granted to an applicant who is not operating a traditional public house, but the nature of the business requires the clientele to be able to stand to consume alcohol and or be served or drink at a counter.

- **How does the Licensing Assembly view the proposed enforcement approach and any gaps that may remain?**

The Licensing Assembly views the proposed enforcement approach as an improvement.

The current law causes the Licensing Assembly difficulty in respect of the revocation of a 'current' licence where no breach of the law is apparent.

By way of example, where a tenant holds a licence and is able to renew that licence, the current law does not permit the Licensing Assembly to grant a new Licence to an applicant. Should the tenant (who may no longer be trading from the premises) refuse to abandon its licence, as the licence has value, the Licensing Assembly is limited in its power to revoke the 'current' licence, unless there is a breach of the law.

- **What considerations does the Licensing Assembly have about transferring powers such as temporary closure orders to a Regulatory Authority?**

The Licensing Assembly considers these would be useful powers for the regulating authority, whoever that is, to have.

- **How does the Licensing Assembly view the adequacy of review rights for licensees and the public under the draft Law?**

The proposed review and appeal rights seem to make appropriate provision.

- **What challenges does the Licensing Assembly anticipate in transitioning existing licences to a modernised framework?**

The Licensing Assembly understands that Economic Development holds a record of all licences and their conditions.

It is assumed the government has the technical ability to transition the operating hours of the current licences and the conditions in a similar manner that the department transfers the conditions on to the Renewal Certificate.

For example, unless further restricted by a condition on its specific licence, the holder of a 1st Category Taverner's Licence would have an additional condition that the permitted hours for the sale of alcohol mirror Article 28 of the current law.

The breakdown of the current categories of licence is as follows:

1st Category Taverner's	147 licences
2nd Category Residential	24 licences
3rd Category Restaurant	247 licences
4th Category Comprehensive	24 licences
5th Category Club	29 licences
6th Category Off-Licence	215 licences
7th Category Entertainment	28 licences
Total licences:	714

General Observations

The decision to create a new licensing system is, as we have said, one for the States Assembly and we hope the comments we have made will help to ensure that the decision is taken on an informed basis.

The Licensing Assembly hopes that the above observations are of assistance.

Yours sincerely



Lieutenant Bailiff Jurat Ronge

on behalf of the Licensing Assembly