



Economic and International Affairs Scrutiny Panel

Alcohol Licensing Review

Witness: Jersey Hospitality Association

Friday, 27th February 2026

Panel:

Deputy M. Tadier of St. Brelade (Chair)

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

Deputy M.B. Andrews of St. Helier North

Connétable D. Johnson of St. Mary

Witnesses:

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

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

[13:06]

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

Welcome to the Economic and International Affairs Scrutiny Panel. I will just introduce ourselves and then the purpose of the hearing today. So I am Deputy Montfort Tadier. I am the Chair of the panel.

Deputy K.M. Wilson of St. Clement:

Deputy Karen Wilson, Vice-Chair.

Connétable D. Johnson of St. Mary:

Constable David Johnson, panel member.

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

Deputy Max Andrews, panel member.

Deputy M. Tadier:

Yourself?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

I am Ana Calvani, Co-C.E.O. (Chief Executive Officer) of the Hospitality Association.

Deputy M. Tadier:

Great. Thanks for coming along. We know that Marcus will also be joining us ... literally now, he is walking in the door, so ...

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Apologies.

Deputy M. Tadier:

Do take a seat.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Two for the price of one.

Deputy M. Tadier:

We have only just gone live so make yourself comfortable. We are just in the middle of introductions, so in fact you are just in time to introduce yourself.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

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

Deputy M. Tadier:

Thank you. So this is a live hearing and it is recorded as well. So just for those who may be tuning in now or shortly, we are here to talk about the new Licensing Law that is being proposed by the Minister, which has a number of amendments attached to it. That law has been passed in the First Reading so it means the principles of the law have been agreed by the States Assembly in January, and now we are really looking at the Articles that are being proposed by the Minister. We are very grateful that you have already made a written submission to us and we would like to drill into some of your comments a bit more and get a feel for what you think about that, also given the fact that there has been a late amendment by the Minister. Thank you. So if that is okay, I will just launch straight in. So, could you tell us how you think the current system works from your perspective, from

a user's perspective, and therefore where you think the issues are with it? So what works well, what does not work so well, and why you think that it needs overhauling?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Sure, yes. First of all, the Association represents over 200 businesses on the Island with a variety of representatives within our industry. We as a whole obviously represent them, along with our board, so these are their opinions, not our personal ones. The industry does support reform. We have worked with Government in collaboration to create the proposed new law. The law, 1974, is not fit for purpose and we feel we cannot afford a fourth collapse in the past 14 years. Marcus alone has been working 4 times in the past 14 years on this reform, so we are really hoping this time will be 4 times the luck. The focus we feel must be on the modernisation of the systems, removing the barriers to business, speed and clarity, which will hopefully lead to economic growth, lower cost to businesses and process, and overall regulatory consistency. We feel the current system is broken within its 1974 framework. Overall, there are, as we all know, 7 rigid licence categories. There are only quarterly sittings. The process is expensive, slow, overly logistic, and we feel it is not aligned with the modern hospitality models in 2026. It also very much has been identified in our visitor economy strategy as a priority as a reform, which we have co-written with Government. We feel that licensing should be administrative and efficient, not quasi-judicial in the first instance. So we have all gone through this so I think we feel we agree as a background what the issues have been.

Deputy M. Tadier:

Thank you. That very much chimes with what you have said in your written submission. It is quite clear that you support modernising the law. Could I just ask for some specific examples maybe around what you think the current barriers to business are under the current operation?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Yes. I think it is overly prescriptive based on industry definitions or multiple definitions from the 1970s. So we have an industry that is trying to sculpt itself into 1974 categories or in more complicated scenarios using multiple categories overlaid with one another in ways in order to operate in current day. We as an industry think it is wrong that it is so complicated that many operators are having to use lawyers in order to go through their application processes. So you do not get to converse with the business owner themselves about what do they want to do, how are they going to operate their business. They are sat there behind a lawyer in a second hearing inside the court, with the highest court in the land in front of them. It is a very intimidating process for many people, hopefully for most of them to have never been in there before.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Expensive.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

It can be very expensive. The other thing is I think that the unfair slash inconsistency that happens ... so you go in for a parish application process first. You kind of feel like you have done your performance and been accepted and got the approval and then you find yourself almost starting at square one again when you go into the court and the jurats. With huge respect for them and the Bailiff, the jurats are an honorary position. They have huge amounts of workload that the industry believes is better spent elsewhere. Particularly with the new law being so able to tweak and modify the 3 separate categories specifically for a business's requirements, that is going to involve a little bit of sitting down and understanding and hand-holding, and therefore it is probably unrealistic to expect that body to be able to sit down and go through that process and work with businesses to get those details ironed out. So it is cumbersome. It works, people have got licences, but it is overly expensive. It puts people off going through the process. I think it limits creativity. We have seen a lot of people say: "I would quite like to do this but actually it is just never going to get approved so I am not going to bother" or "It is too expensive" or "It is too risky".

Deputy M. Tadier:

How long does it take normally to get a new licence approved from start to finish?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Minimally 3 months but realistically probably longer. So you would have to do your business plan and get all of that, the business side, dealt with. Then you have to apply to a parish level. Then you have to wait for a parish assembly. I think St. Helier meets more regularly than other parishes, but there is no consistency from parish to parish. Then you go through that. Then you have fire, public health, all of the other elements that all then have their say into it, that all then feed into a package that then goes to the court. Then you have to wait for the quarterly court sitting to go through it. Then you get approved your licence and then you have to go back again to register your manager afterwards before you can get open.

Deputy M.B. Andrews:

You just touched on fire and public health. In terms of what is being proposed by the Minister, do you feel that there has maybe been some streamlining in terms of public health and the fire service's involvement with businesses?

[13:15]

Co-Chief Executive Officer 2, Jersey Hospitality Association:

So I think one of the things that came out of this process was ... I think firstly the first proposition put forward was very much a collaborative effort over about a 2, 2 1/2 year process. I think it is fair to say that the Association was nervous when the Gambling Commission was announced as being the entity. We had never met them before, but we spent multiple meetings with them and by the time we got to the stage where the proposition was put forward we were actually extremely comfortable with them. They had done a huge amount of research into how the industry works, what the private sector was looking for, the challenges. We had talked through the application process, the online portal, how it was going to be built, the whole lot. When there was then an amendment thrown in very much last minute by the Comité des Connétables, we then went and met with them to try and understand where that had come from. I think the most concerning part was there had been no industry consultation done at all before that was filed. So we spent an hour, 2 hours. We took the Chamber of Commerce with us just so everybody was there in the room, and it was agreed I think by everybody, including the Constables that were present, that there was no benefit to industry over this amendment in any way at all. It was quite clear that the parishes do quite a lot of work at this stage but they have not been compensated for that work. So we were sat there with the representative from St. Helier, who I know well throughout our licence applications. There is absolutely every reason why the amount of work that she does she should be compensated for the work. But it was not their streamlining of process, it was keeping it within a parish level. So we left with the understanding that the priority was to get this law passed and that post the first debate we would work with them to come up with streamlining it to work for industry and whatever their aspirations were. We have not heard anything back from that committee at all since that meeting, unfortunately, so I am not sure whether that is still a live amendment or not a live amendment.

Deputy M. Tadier:

So we had a public hearing with the Comité representatives earlier this week, in fact on Monday, and while they have not made a formal decision the indication was that they are likely to withdraw the amendment. But there was also a suggestion that they may well then try to support Deputy Bailhache's amendment, which effectively keeps things the same, I think.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Is that something you want to come on to? We have notes on that one. [Laughter]

Deputy M. Tadier:

Yes, we can come on to that. In fact, we could maybe do that now. Are you happy to do that? We are going to be quite fluid with our questions because a lot of the answers I think you have given and you will give as we go along. Thank you.

Deputy K.M. Wilson:

If I pick up the role of parishes, and you have just very clearly outlined what your experience is in terms of the process that you go to, is there any benefit to industry of keeping it in the same way?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Benefit?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

No. [Laughter]

Co-Chief Executive Officer 1, Jersey Hospitality Association:

We do feel within the proposed law they do have the right to ... they have the discretion to call parish assemblies, so that is still in there from our understanding. They can be consultees but not automatically determine every single application. Large amounts of the process have been outside the parish. They do some of the work but so do the other departments, so it is not just theirs. We feel if that is not the same as it is now that it will ... there will be a lot more consistencies for business confidence as well, so they know that Connétable is going to give me the same answer as the next one. From parish to parish, that eliminates any of that doubt and any of that concern from businesses where they may feel like: "I am in this parish and I have no chance so I am not going to bother."

Deputy K.M. Wilson:

So the issue is around consistency and objectivity?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Yes.

Deputy K.M. Wilson:

We have heard that the value of the parish in this process is that they can help and advise businesses in a way perhaps maybe that the new arrangements may not be able to do. What is your view on that?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think as a responsible operator that the parish is going to be there as part of the consultation process before you even apply or during the application anyway, so I think one of the things that we had drawn as a bit of a red flag from the original drafts of the first proposition through to when it was originally filed was our understanding was that the Economy Department had met with the Comité des Connétables on a number of occasions and out of those meetings came the desire to change the fact that a parish assembly should be an option or a discretion of the Constable of the parish

and turn it into a mandated part of the process. The industry suddenly thought, well, why? Is that not just a doubling up of an application process? If it is an off-licence that already exists that you are then taking over the lease for and you are applying for, surely the Constable should be able to say: "That village shop has been selling cans of beer for 47 years and therefore we probably do not need a parish assembly in order to do it." Where we do think the parishes are really critical is communication to their parishioners. A bit like planning, by posting it, by making people aware and during that application process having that communication ... and obviously if there is a controversial application or there is a considerable objection, all that kind of stuff, then the Constable should be given the authority to be able to say: "We should have a parish meeting about this." But in order to write it in there as a mandatory step it just seemed like a sudden road block in quite a smooth process going forward.

Deputy M. Tadler:

That is what the Minister is proposing. The original proposal I think from the Minister he has told us is that he did not want to make parish assemblies automatic for any application but that they could effectively be called in if there is something controversial that parishioners could comment on. So are you proposing maybe a system whereby ... so there is going to be an ability for any member of the public to write in to the Regulatory Directorate if they have concerns and they may also be people who do not live in the parish. Do you think that would be sufficient for the parishes to have an equivalent system whereby there is an application in the newspaper - I think that is what you were saying - and then there could be a deadline by which any concerned parishioner could write to the Constable potentially?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I guess it is a bit like planning, so even better if they all had the same portal. So if a member of the public could write in with a support or a concern the same with planning and then the Constable could be informed: "There are 57 objections to this licensing application", clearly there is a problem there and we need to call a parish assembly. That is maybe where the Constables can have their own authority to say there are too many objections or it is controversial or it is not a good idea for me to sign this off without having to have a parish meeting; therefore, we should have one. That to us seems far more sensible than mandating it into the process. Some parishes only have one licensed establishment, so how often do they have a parish meeting? To me, it is putting burden into administration in a parish that does not necessarily need to be there. It should be at their discretion. One of the other things that did come up with the Constables was their ability to close down an establishment without the States of Jersey Police present, that they cannot currently do in the existing law. We very much support that. I think if you are in a distant parish and there is an emergency, absolutely the honoraries and the Constables should be able to shut down an establishment without having to wait for the police to show up.

The Connétable of St. Mary:

I do not think that we should do that personally. Can I just ... inevitable context, I am Constable of a small parish. We do not have many licences, but I think that the general tenor of the Constables, and we have not had as many meetings as we should have done on it, possibly because of some question of the degree of consultation with us, but at the moment all I want at any rate is to ensure that any licensed premises parishioners are aware of it and they have the scope to complain if not. As to the formalities, we will have a parish assembly as and when we need them. We are not so big we need them every last Monday of every quarter or whatever it might be. In fact, I am just arranging a parish assembly to approve the appointment of a Constable's office, for instance. It will be a bespoke matter and, yes, that goes with the job. I think we had one parish assembly with only 3 days' notice. We have done it and we are ... I think most parishes are co-operative if there is a licence, so I like to think we are not an obstacle in any way.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Do you think it is something ... is there a reason why ... do you think it would be easier for you to be able to choose if it is needed or not needed as opposed to mandate it for every single licensing application?

The Connétable of St. Mary:

Well, if it was said to be voluntary, what would happen is all parishes will say: "Until we say otherwise, it will be mandatory." I think we will arrive at the same thing. I think we just like the comfort of knowing we are consulted first.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Yes, of course.

The Connétable of St. Mary:

Yes, there may be merit in the idea of relaxing it in some ways but I think the real concern is that parishes should be the first port of call, we are happy and ... et cetera.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Our understanding, unless we are wrong, is that there is a large amount of parish input into the application process, whether that was done by the Gambling Commission or the regulatory entity, and that you would never get through to a stage where you would be having a licence approved unless the Constable has signed it off and the parish is happy with it before it happens. Is that right?

Deputy M. Tadier:

I think what we are trying to do here is we have interviewed the Comité already so I do not necessarily want to get into a scenario where we are questioning a Constable at this, but I think what would be useful, just to not move things away completely, is that I think the panel is interested to know whether there is red tape which is unnecessary that could reasonably be removed, so differentiating between what is duplication that does not need to be there versus what is a reasonable and indeed valuable safeguard at a parish level. So I suppose one of those questions is around about if there is already an ability for members of the public to make a submission to the licensing authority, which will be the Regulatory Directorate, is there then a need to have a separate parish assembly automatically if those parishioners can already write under the new law to the licensing authority?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think from our submissions and from the Association's standpoint, no, there is not. There should be ... we have quite a lot of notes on the amendment that has now been made by the Minister to his proposition dealing with the regulation authority. Again, the board's initial opinion was: "Oh my goodness, that is the 'computer says no' department and do we need that?" But actually then working through with the E.D. (Economic Development) Department on it there is actually great opportunity to streamline not just alcohol but the whole process as far as business applications as a whole. So if we can get to a stage where the regulatory department of Government is a one stop shop for business applications and an ability for the public to object and that kind of stuff, then we should be able to streamline not only the application process, keep the costs down, but also keep Government's burden and administrative burden down.

Deputy K.M. Wilson:

Sorry, Marcus, is this the only licensing application you make to the parish that has this level of duplication or complication attached to it for business?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

You would also make an application for a chaise publique, so an outside seating. If you then added on a P49 entertainment permit, you would go back to the parish assembly for another ... you could do it at the same time but often you have to have your category 6 in place before you can apply for your P49 and then you would end up going back again. So you can be found to return back to the parish to do the same presentation to often the same people who show up to the parish meetings for your chaise publique, your entertainment permit, your alcohol licensing. Well, realistically, from a business operator standpoint, they are just all licences to be able to do what you wanted to do to begin with.

Deputy M. Tadier:

How much of a burden is it for people in your industry to have to go to an ad hoc parish assembly potentially to make a presentation for what might be an otherwise routine ...?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think it is unfair to use the word “burden” because I think any operator would want their parishioners and their neighbours to be happy with what they are doing. I think the industry believes it could be streamlined far better and you could have far better response back from parishioners. Many parishioners do not have time to attend the parish assembly to talk about an alcohol licence.

Deputy K.M. Wilson:

How do you think that might work?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Online, I think, the same as a planning portal. You could have alcohol licensing, food licensing, public health, environmental health, fire and occupancy, entertainment permits, work permits, licensing, outdoor seating, waste, all managed in one regulation portal.

[13:30]

So you could go in there as a business, log in, make changes if you need to, apply for the whole lot in one go, see where the progress is going. It could just be a very digital, streamlined, efficient process.

Deputy M. Tadier:

What would you say if there were some elderly residents who lived right opposite the pub, for example, and they were concerned but they are not online? What is the best way for them to input their objections?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I believe with planning you can write in, so you can write in a physical written letter and submit it to ... and then I believe it is scanned and made digital for other people to see. So absolutely there should be a form of maybe go into a parish hall and you could file a complaint or you write in physically. There should be ways for people who are not digital to be able to do it.

Deputy M. Tadier:

Thank you. One last thing on this area, really. Is it a problem if an applicant has multiple applications in different parishes? Do you ever see that and how does that work from your point of view?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

It is hopefully going to streamline it with the proposed law drastically. We have members such as Randalls and Liberation, big pub chains, and with the current system there are a lot of complicated situations with who has to hold the licence. They have to have a minimum of 3 years' residence. Is it 3 or 5?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

You have to have 3, yes.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

In order for that person to be the licence holder, the named licence holder. So it is quite complicated for an entity like that and a lot more costly to be able to manage all of the pubs. So yes, the way it has been proposed with the new one, everybody is just looking at it, wow, this is fantastic. They are really happy with not having to jump so many hoops and then having to go through that ...

Deputy M.B. Andrews:

What are the main points from your perspective in terms of what the Minister has proposed regarding reducing red tape for businesses?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

So one central digitised point of application I think is the big change, and once as a business owner you put in your information into that, it then, whatever it is, the entity that is dealing with it, in this case now the regulatory department, then deals with the spider's web that goes off around it. So you as a business owner are not concerned that you might have missed public health but you have the fire department; have you got your occupancy in place, are the number of toilets right? There are so many different departments that are all really quite siloed in government. From a private sector standpoint it is a complicated process. I think a business owner being able to put everything up on to one portal, knowing that you have disclosed the whole lot and it is all there, and seeing that progress tick itself off and people being able to come back to you as well, it is encouraging as a business owner if there are questions or people question what you have written in something, that you can have that straight back and the other departments have all seen it. Because often you will get a yes back from the police, but then it is your job to go off and communicate that to all the other people to say: "They have changed this" and then they have to change theirs around. So that part is quite efficient.

Deputy M.B. Andrews:

Yes. Are you quite content with the involvement of, say, the fire service and the police or do you still believe there is quite a lot of red tape there?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think they all have extremely important roles to play. The Fire Department, as we know with planning, they are the determining factor behind occupancy. So there are very strange parts where Public Health come out and determine how many people you are allowed based on the number of toilets you have, and then out comes the Fire Department that might have a completely different number from the Public Health Department but that is almost where this automated system, from a business standpoint you do not really have to know that that is going on, it just comes back and tells you everybody has checked and here is your occupancy. So yes, at the end of the day, with one legislative change we are never going to get rid of the multiple hurdles and barriers to business, but where we are trying to go and help with is getting rid of those barriers to the private sector. Then we hope that the public sector will deal with their own barriers that they have in the way afterwards and we are here to try and help membership and the industry and make it easier.

Deputy K.M. Wilson:

Given the dynamics that have emerged out of this whole proposition and subsequent amendments, from the hospitality industry's perspective how do you see the relationships being improved, strengthened? Where do you see those relationships being more focused? Do you feel there is going to be a need for a stronger engagement with the parishes or a stronger engagement with the regulator or do you see that they are equal in that regard?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think it is fair to say we had a post-board meeting after the debate and we were very concerned about what went on in that debate. There was a very clear total lack of education in the States Assembly about what this proposition was and the work that had gone on behind it and the complexity of it and how it impacts industry. There is also obviously quite a lot of politics and power plays and who is moving where and what is coming up in an election and all the rest going on in the mix of it as well, unfortunately. So it is from the outside I dare say quite entertaining to watch and terrifying at the same time. We discussed it and we said what we were concerned about was that actually incredible progress had been made through the Economic Development Department and the visitor economy head there working with industry and on a lot of consultation to get a very streamlined, fit for purpose proposal that was then rattled or shaken down in various different ways of detail that was actually somewhat irrelevant to what was trying to be passed. As a business, you have to work with your parish. You work with your parish on a daily basis, your rubbish pick-up, your parishioners, everything. That is your village, your people. But the administrative element of licensing and that red tape bureaucracy that goes on does not need to be at that parish level. The parish level should be are we operating well, are people happy with us, how can we be involved in the parish fete coming up, what can we do better, how do we clean up the outside, those kind of bits

as opposed to what is your occupancy, what is your fire code, or the application process. If there is a regulation department of Government, then clearly that is probably the place that that relatively boring, mundane application process can be done. I think most importantly that has come out through this from an industry standpoint, it is consistent. So a huge part of this comes down to the alcohol ... I cannot remember what it is called, but the alcohol ... what is the document that is created by ...

Deputy M. Tadier:

Is it the strategy or the policy?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

The policy, the alcohol policy group. I think that is something that is really critical to this. That document is the bible, effectively, because with a regulation department, they can only act on that document. So that document is going to have to be able to be adaptable, reviewed, updated, fit for purpose and have the right people feeding into it. If that is the case, then it works well. Planning is a prime example of where the Bridging Island Plan is causing devastation in that department, so I think that is really important and something that needs to be discussed.

Deputy M. Tadier:

So can I ask, just because you have brought it up - that was one of our areas for questioning - are you supportive of the alcohol policy group as is proposed in the new law as a principle?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

As a principle, yes. I think the feedback we have had is from a Ministerial level keep it tight. So it should have the Minister for Economic Development or ... I think our concern, too, is what then happens if Ministers change their titles? So you write into law that these titles exist and then suddenly there is not one. There should be the Minister who is in charge of the visitor economy, tourism, in there. There should be a Minister for Home Affairs, who is police, and there should be a Minister for Health in there. We believe there should be a Constable nominated by the Comité des Connétables. Now, we do not think the A.G. (Attorney General) necessarily needs to be in there now. Legal advice is something that can be given. It does not necessarily need to be involved in the process of it. I think it says in there at the moment that the Parish of St. Helier or the Constable of St. Helier should be in there. We thought that that was a bit strange because, yes, they do have the most licences but equally maybe there is a Constable in the Comité that is far more interested in doing it or far more experienced in doing it. So the Constables should be able to choose who their representative is.

Deputy M. Tadier:

So I take from that answer you do not think there needs to be direct industry representation on that body but there is a way to feed ... it is easier, presumably, for you to feed into Ministers than it would be into the Attorney General with policymaking currently?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

So we believe that obviously then officers then draft policy, right, so you have that Ministerial group. You have officers drafting policy, but there should be some kind of industry advisory panel that feeds to it. So we originally started the conversation by saying this is just more work for the visitor economy strategy panel that we sit on as well, but we also believe that there should be police representation and health representation on there. So when we have done consultation for alcohol duty, for example, we brought together health, police and industry and sat everybody in a room around a table together. That works really well. Everybody gets their say. Everybody leaves the room understanding what everybody is trying to achieve, and then the policy goes off and gets written by officers and the Ministers have good feedback from industry and all of the elements needed.

The Connétable of St. Mary:

One of the reasons I am on this panel is because I ... as you know, we met across this same table 10 years ago, was it, when the Scrutiny Panel was doing its work. The panel was at odds with the Ministerial side of things and everything. Basically we had prepared amendments, et cetera, to I think largely reflect what you are wanting now. The only difference was at that stage I recall the proposition was to create a new licensing authority which would be made up of States Members. Not a good idea, we thought. **[Laughter]** During the course of that scrutiny review, and it was an extensive one, we came up against a brick wall in various cases. We had before us in private meeting the representatives of the licensing bench and they were strangely on side with us. They said: "We would welcome guidelines." It is fairly loose wording they got ... they would actually welcome that and our amendments were there to encapsulate that. So on a personal level what you are suggesting now is eminently sensible. We had the Alcohol Policy Group and the advisory board and in that we looked at councils like Brighton, who even incorporated Brighton University. It was that extensive. So I think there is a general feeling out there we are ... certainly, on that side we accepted the need for change and I am sorry it has taken this far ...

Co-Chief Executive Officer 2, Jersey Hospitality Association:

We are hoping that we get past the finish line this time. **[Laughter]**

The Connétable of St. Mary:

Yes, I understand that. What I am coming round to saying is that during the course of that review panel the licensing bench were ... I am not saying they were heard but they were quite happy to co-operate. So what I am really coming down to saying is at the moment there are 2 or 3 amendments

out there, are there not, one of which, Deputy Bailhache's amendment, is basically to leave as is on the basis that there is policy guidelines and the group, et cetera. They said to us at the time: "If you want more meetings we will have them." Is that feasible as far as you are concerned?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

With Deputy Bailhache's amendment ...

The Connétable of St. Mary:

What he is effectively saying is that the ... in fact, what he is saying is under the 1974 law we could incorporate some of these already. We can just do a quick amendment to put in the policy group, et cetera. Forgetting the legalities for the moment, what I am really asking is ... because I am aware that some Members would feel that the less change the better ...

Deputy M. Tadier:

So essentially can what you want be achieved through Deputy Bailhache's amendment, leaving it with the licensing bench as ...?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

The comments we have on Deputy Bailhache's amendment are that ... I think we touched on it earlier. The jurats and the Bailiff simply ... our understanding from them is that they do not have the time to be administering an application process about alcohol licences. They could be sat there after the event but often they are not given enough information or enough time to be able to read through it all. I think the industry's opinion is that the highest court in the land should not be the first instance regulator. It should be there for the jurats to be where you go for an appeal at the last stage of appeal, where you go if you violate the Alcohol Licensing Law. It is not where you begin, it is where you should end. There is huge concern that if it starts there, then there is no appeal process. So if the first point of decision is the highest court in the land, how do you then appeal? You effectively cannot. You can appeal to them but you are appealing to the same people.

[13:45]

Deputy M. Tadier:

Is there an issue about separation of powers as well in terms of who issues the licence, who maybe prosecutes people for breaking the law?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

We believe it is much cleaner and we are very pro keeping them separate. So administration and application and policy and all that kind of stuff is kept with Government and regulation and then the

court is there to ... well, I think part of it is we believe there should be an appeal process that is stepped. So you should be able to go back to the regulator and say: "Listen, I do not think that you have quite understood it." Maybe they send it up to their line manager. At that level you would then go up to a ... I think it is an Article 12. Then you could go up to the Minister, and then the last resort would be saying: "Okay, listen, I am really not happy with this. I want to take it to the end decision maker", which is the court with the jurat and the Bailiff. I think it is unfair to involve them from day one in that process.

The Connétable of St. Mary:

Just to finish off, I am not challenging you on it in any way but yes, it is the licensing bench rather than the court. I know it is a different format but they could adapt their rules to have different people, and obviously they would, to hear appeals. During one of our hearings the Constable of St. Helier said in his 25 years he had never known an appeal. Now, you may well argue that is ... well, what is the point? I do not know. What is the likelihood of an appeal?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think it is an interesting statement from the Constable of St. Helier because he went through an almost appeal on an application that I was very aware of but did not end up with an appeal because the message back was: do not appeal the decision of the licensing bench because they are the final decision makers. So you cannot appeal the Bailiff when the Bailiff has already made a decision. I can understand that. If the highest court in the land has said no, you as a business, as a small business, are unlikely to go back and say: "Listen here, I do not think your no is a no. Please make it a yes." It is an impossible position ...

The Connétable of St. Mary:

The court would be differently constituted on appeal. That is the ...

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Yes.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

We do really feel ... it is a bit of a statement, but if we are reforming the 2026 Licensing Law we should not rebuild a 1974 framework in a new wrapper. So we feel let us do it and let us do it right.

The Connétable of St. Mary:

I am not ... I am just trying to find out, yes.

Deputy M. Tadier:

That is quite clear. Thank you. Do you mind if I pass over to Deputy Andrews, who is going to just ask some questions?

Deputy M.B. Andrews:

Yes. Obviously we have briefly spoken about the Alcohol and Gambling Commission and the move in the amendment towards the Regulatory Directorate taking over that responsibility. I just wanted to have your view on how you feel about that.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think there is actually ... we kind of went: "Right, let us take a 30,000 feet look at this." There is actually an amazing opportunity. I think initially we were ... but one portal, one application, one system, smart routing, no separate application processes, there is an amazing opportunity if Government can deliver, and that is a big "if". But if it was fully digital, automated work flow routes, integrated payment systems, shared data across departments, real time status tracking, public notifications are built in, transparent conditions - "Will you be serving food?" "Yes" automatically opens up the module for food - industry will be applauding like happy sea lions.

Deputy M. Tadier:

Could you perhaps add entertainment to that? Do you think there is scope ...?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Absolutely.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Yes. Another box to tick for them: "Live entertainment?" "Yes." Then it will take you through those steps to complete.

Deputy M. Tadier:

Of course, that is the next stage that the Minister is working ... well, the next Minister will have to work on what was the triennial regulations to bring an overhaul to that part.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

That was our big thing with the food law. We are very supportive that we need modernisation of food law and that we need to be in alignment with allergens, but we are not supportive of yet another application process and another set of fees and another layer of bureaucracy. So this is amazing for Government. You can just tick a box and off it goes and job done. It should improve productivity for Government. It should reduce duplication, reduce officer time, all that kind of stuff.

Deputy K.M. Wilson:

Can I just interrupt? I think we have heard the case around what it could do, but if it is going to be digitalised, does it matter where it is? So could a parish, for example, take the responsibility for doing that rather than just leaving it with a Government department or an external regulator?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think it is fair to say that we felt, and I think we said to the Constable committee, industry does not really care where it is done as long as it is done by one place. So if the parishes want to take on alcohol, food licensing, public health, environment, fire and occupancy, entertainment, work permits, outdoor seating, waste, go ahead. I somewhat doubt it, but if you could make that all in one element ... we talk about the importance of productivity and the importance of automation. Well, here is an opportunity for Government to put the money where the mouth is and deliver on it. Absolutely, we are supportive of anybody, it does not really matter who.

Deputy M.B. Andrews:

What engagement have businesses had with the Regulatory Directorate previously?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Well, previously probably quite a lot I would imagine because I think planning goes through them.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

On a different topic but obviously not this because this has been amended. So yes, it is new to everybody.

Deputy M.B. Andrews:

It has generally been quite good?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

As it says on the outside of the tin, it is very regulated. So I think that alcohol policy document is critical. I think where the comfort comes from industry will be that you can hold them accountable to delivering on that document. So if you, for example, got rejected but you know perfectly well that there is no reason why you should be on the document, you can go back and say: "There is the rulebook and I have not violated it. Why are you objecting to it?" So there is no opportunity there for opinions or that kind of stuff. It is what it is. There is no subjectivity that could come into it from that standpoint. So possibly that is a good part of that.

Deputy M.B. Andrews:

I understand as well with the Alcohol and Gambling Commission there was one point that was raised about the personnel there having quite a lot of experience of being in the industry itself with some of the individuals. I just wanted to know whether there are any concerns with the Regulatory Directorate in terms of whether they have the personnel who have the experience of understanding what it is like to run a business.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

So no, probably. Because of that document, it almost removes the need for them to have that. It is literally ... I hate to say it, it is almost automated because if you take the document and you apply the application, it should say yes or no. That is where I think probably, and I said it to the Minister, we are going to suddenly play a larger role because businesses are going to go: "Hold on a minute, how do we do this or how does it work?" Jersey Business will play a larger role. The parishes will play a role in ... when you are coming to terms with your application process and getting your submission together, you as a business will want to go around and say: "Constable, what do I need to do?" or "J.H.A. (Jersey Hospitality Association), what do I need to do?" or "Jersey Business, what do I need to do?" and gather your information before you submit it. So from that standpoint we believe it works kind of like you would do with planning. You go off and get your consultation from your architect and your other people and you put together your application and then hopefully it is very automatic, that part, onwards and it is just administrative.

Deputy M. Tadier:

Could I just move us on quickly - we have not got too long left - to the area of fees? It is probably a bit more prosaic and less controversial maybe, but let us find out. Are you happy to ask ...?

The Connétable of St. Mary:

The schedule fees, we are told they have not been increased since 2007. Are you happy with the proposed fees generally or ...?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Well, some businesses will be thrilled with the new fees. Our mission was with the new fees ... we did not get involved in what the actual number was. Our mission with the new fees was do not increase the cost, because that is our job to try and prohibit that, but also it needs balancing. So I think one of the biggest things that we brought to them was all 3 Waitrose pay less than one café would pay. So at the moment the on/off trade balance has gone out of whack from where it was originally set. So it should be a fair playing field was our term. I think the new fees do deliver on that. Where we are concerned is other fees. So what we became aware of when this was filed as a proposition was another department creating a new licensing thing lost that income and so suddenly started trying to generate the same income back by introducing a new set of fees. That is

where we would have to heavily object as industry saying we cannot just be having new fees coming left and right because one pot of money has moved to a different department of Government. So again that is possibly where the regulatory single source thing comes into comfort for industry. So yes, the fee structure I think we have looked at it and we think it is fair.

Deputy M. Tadier:

So get rid of the flat rate fee structure that we currently have?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

It is now pretty simple, whereas at the moment it is a bit odd.

Deputy M. Tadier:

Yes. I think that has been understood. There was a question, was there not, around the ... that you had, Deputy Wilson?

Deputy K.M. Wilson:

It was just around the number of licence categories and to remove the multiple licences, again just to get your perspective on that proposition.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

I think keeping with the 3 is so much common sense. Everybody that has been part of the consultation came back saying: "Oh, this is so simple, this makes so much sense." So that has been really well received. Yes, just very clear and straightforward. So I think it will open up opportunities for new businesses to come on to the stage, so to speak, where they can say: "I get this. I can get my head around this in my business. It is on or off-licence, great" and put that in their business plan. Because I think overall, dealing with such an old law, it has been intimidating for newcomers.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

You will be aware there are bizarre situations where hotels have to shut certain doors and not allow people in certain corridors because one section is licensed differently from another. I operated a business myself with 4 licences just because we had to in order to do it. It was very odd. So on trade, off trade, temporary event based is nice and simple and everybody ... I think it is really important that not just an operator but a Constable or an honorary police officer or anybody understands it. We should be able to walk up to a business as an honorary or a States of Jersey police officer and pull up on your device who is the manager and what goes on in here and what times does it operate. It should not be something that you need people to translate. It should be quite open and simple.

Deputy M. Tadier:

Thank you. One final question from me: is this in particular, the changes that the Minister is proposing, going to have any particular positive or negative impact on smaller venues, do you think?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Yes, I think it has an across the board benefit. So do the smaller venues pay fractionally more?

Yes. I think it is £50 or something. It is a manageable amount, we believe from our members, but we have small businesses that are holding multiple licences, so suddenly if you have multiple licences and you do not need them, actually you are saving. So it is simplicity. Do you want to just touch on that before we finish because I think it is important?

Co-Chief Executive Officer 1, Jersey Hospitality Association:

Yes. It is up to you if you want ... we would like to address this. I do not know if it is on yours.

Deputy M. Tadier:

Please do.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

In regards to one of the other amendments that was filed for the free tap water.

Deputy M. Tadier:

The water one, yes. Go on.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

First and foremost, we have not had any industry consultation on the matter. We feel that the majority of our businesses in our sector already provide this and it sort of market self-regulates. We feel that the customer will choose with their feet. If they feel for any reason they are being overcharged on something they just will choose not to go to that establishment. Primarily, the legislation should address structural reform. The fact that the Government owns, we think ... it is about, what, 74 per cent of Jersey Water? For them to be involved in saying: "You should be offering this for free" and mandating free product, it completely ignores the operational cost of a business. You are not considering the fact that that water is served in the glassware, the labour, the ice that you are giving, the utilities, the cleaning, the rent, the overheads. Yes, it is not a core licensing reform. This sort of amendment ...

Deputy M. Tadier:

So there could be arguments for and against this but you think primarily it is not the place for this and there is a cost to business that ...?

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Yes, and I think the other thing that came up is we just feel it sets a really dangerous precedent, that a 74 per cent Government-owned entity mandate that a product that they sell to industry is then having to be given for free is a dangerous statement to be done.

[14:00]

Industry gives away free water. It is already there. What will end up happening is you just see these unintended consequences all over the place. So tap water will be free as law, so then you are charged for filtered water. It just opens up a whole load of unnecessary ...

Deputy M. Tadier:

I suppose maybe if Government want free water, they could give water away for free themselves.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Well, our point was, okay, fine, then give all water free to all hospitality businesses, and then people who are running showers and baths might offset the utilities and the rental costs as well. It is just not something that we believe should be built into this law or actually even law for that matter at all.

Deputy M. Tadier:

We will certainly record those comments in our ... again, it is not something that we are fundamentally scrutinising either but we will certainly make reference to your robust comments as well.

Co-Chief Executive Officer 1, Jersey Hospitality Association:

We did not have that in our written submission either because that was ...

Deputy M. Tadier:

Yes, exactly. Thank you. For my part I think that has been very helpful. I will just ask the panel if there are any final thoughts or questions.

The Connétable of St. Mary:

No. Thank you for coming in.

Deputy K.M. Wilson:

Not for me, thank you.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

I think from our standpoint we just do not think ... this is not about arguing structure and history and power and where fees are in government. This is an opportunity to really modernise something. As Ana said, if we are in 2026, let us do it like it is 2026. Let us not wrap up 1974 in a new wrapper, I think you said. I think we have an amazing opportunity and a huge amount of work has been done. It is rare that we can say that all of our members are pretty much on exactly the same page that this is the right thing to be delivered and have all been consulted with. There is not really ... hopefully there is no reason why it should not go through. There is an opportunity right there for Government to prove how productive and one stop shop they can be, too.

Deputy M. Tadier:

Thank you. Thanks again for coming in.

Co-Chief Executive Officer 2, Jersey Hospitality Association:

Thank you all. Thank you for your time and for your scrutiny.

Deputy M. Tadier:

We will bring this to a close.

[14:02]