

JERSEY / JUDGMENT

Licensing Assembly [2007]

JRC 224 (29 November 2007)

[2007] JRC 224

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judgment

the bailiff: 1. The Assembly regrets that it has kept counsel and the Connétables and others waiting for a decision. It will be obvious that very anxious consideration has been given to these questions. 2. In considering whether a licence should be granted the overriding duty of the Licensing Assembly is to have regard to the public interest. The Assembly established a policy in 1998 which has been differently expressed at different times in relation to the sale of alcohol in, or adjacent, to garage premises. In essence it involved the gut sentiment that there was a mismatch between the sales of petrol and alcohol. That led the Assembly to determine that its policy, generally speaking, was to refuse liquor licences for premises where the primary purpose of the business was to service the needs of the motor car, unless there was a clear separation of the garage business from the grocery business. 3. The Assembly has today received very cogent submissions from counsel for both applicants and, even more importantly, had input from the Comité des Connétables and the Licensing Unit of the States of Jersey Police. The Licensing Unit has made it clear that, from a law enforcement perspective, the juxtaposition of sales of alcohol and petrol is not a material consideration; indeed the experience of the police is that garages appear to be rather more responsible than other businesses in reporting to them drivers who appear to be under the influence of alcohol. 4. Social conditions have changed. Corner shops are less common than they once were, many people lead increasingly busy and pressurised lives and the convenience of the shopper is an important consideration in determining where the public interest lies. 5. We conclude, therefore, that the so called "garage policy" should no longer be applied and that applications should be considered on their individual merits, irrespective of the fact that the premises in question are adjacent to, or form part of garage premises. 6. Applying that principle to the application of Citriche Limited, there is no possible obstacle to the application, and it is accordingly granted. 7. We turn to the application of Victoria Garages Limited with which we have had a little more difficulty. There are a number of small businesses where groceries and other artefacts are sold, to which 6 th category licences have been granted. It has been the custom of the Assembly in many such instances to attach a condition to the licence which requires that the sale of alcohol should be ancillary to the other business conducted on the premises. This applicant, through its counsel, has accepted the notion that the sale of alcohol should be a minor or ancillary part of the business conducted in the shop, and we

want to make it clear that we are excluding in that respect the sale of petrol. We were told by counsel that sales of petrol amounted to about 66% of the turnover while the shop accounted for about 33%. We intend that the sale of alcohol should be a minor or ancillary part of that 33% of the turnover. 8. We therefore grant the application of Victoria Garages Limited subject to a condition, that the sale of alcohol will be an ancillary part of the business conducted in the shop, excluding the sale of petrol. 9. Underlying all these anxious discussions which have taken place, has been a concern on the part of the Bench which relates to the excessive consumption and abuse of alcohol and all the social problems which are consequential to such abuse. It is, we wish to emphasise, imperative that the owners of all premises holding a liquor licence ensure that they are properly managed and that all those staff involved in the business understand the provisions of the licensing law and the duty, in particular, not to sell alcohol to minors. The views of the Comité des Connétables appear to us to be entirely in line with the views which we have just expressed. 10. We would add, although this is a political matter, that we think it is time that some provision was introduced into the Licensing Law which would enable a licence to be summarily revoked for a short period, whether by the Magistrate or by some other authority, in circumstances where a serious breach of the law has taken place. We appreciate that there is power for the Attorney General to refer a matter to the Licensing Assembly but that is a very heavy instrument and we think it is in the public interest that a rather more summary procedure should also be put in place. That is a matter, of course, not for us but for the States, but we express the hope that some consideration might be given to this suggestion. No Authorities Page Last Updated: 10 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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