

JERSEY / JUDGMENT

# Licensing Assembly 26-Sep-2019

## [2019] JRC 193A (26 September 2019)

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[2019] JRC 193A [ New search ] [ Help ] Licensing Assembly - three applications made - decisions [2019]JRC193A Royal Court (Samedi) 26 September 2019 Before : A. J. Olsen, Esq., Lieutenant Bailiff, and Jurats Crill, Ramsden, Christensen, Austin-Vautier and Hughes

DECISIONs the LIEUTENANT bailiff: Arthursyard Limited 1. The application is granted subject to the following conditions:- (i) The licence shall not take effect until the licensee lodges with the Judicial Greffier a certificate from the Chief Fire Officer certifying that the work identified in the report of the Fire Safety Officer dated 15 th August, 2019, has been completed to the satisfaction of the Chief Fire Officer and, upon receipt the Judicial Greffier is directed to issue an act stating the certificate has been lodged; (ii) The number of persons permitted to be on the premises shall at no time exceed 50 persons internally excluding staff; (iii) The licence shall not take effect until the licence holder provides to the Judicial Greffier: (a) Written confirmation from the Ports of Jersey that that authority supports the application for both the internal and external areas; (b) In addition, the licensee must provide a plan of the outside area to be licenced. Upon receipt of those documents and plan the Judicial Greffier shall present the same to the licensing delegation for approval and in the event that approval is forthcoming the Judicial Greffier is directed to issue an Act stating the same, and (c) If any door security staff are employed they shall be members of the Jersey Door Registration Scheme. Terre D'Italia Limited 2. The decision of the Assembly is that the more suitable licence would be the First Category Taverner's Licence and this we grant, but subject to strict conditions and limitations. 3. The Assembly has taken into consideration the practicalities of policing the licence and as there is no separation by a permanent structure or wall, the licence shall cover the floor space of the premises accessible to the public, which includes the tasting room. 4. The applicant may wish to note that there is nothing stopping her from providing complimentary tastings as previously offered. 5. The Assembly has taken into account the applicant's business model presented to us, which has satisfied us that the level of alcoholic consumption will not be

at the level of a public house, and so we are willing to use the Assembly's discretion to depart from the Environmental Health Department's occupancy recommendations. 6. We therefore grant this licence and the conditions will be: (i) That the licence shall be limited to the current business model for Terre D'Italia Limited as presented to the Assembly and in the event that there is any material change in the nature of operation of the premises the licence shall be deemed void as from the date of the material change. The exception to that is that any variation to the operational times of the business shall be permitted on receipt of a written agreement from the landlord and the Constable, a copy of which shall be provided to the Judicial Greffier and the police licensing unit. We do emphasise that this licence is granted completely subject to that business model and any departure will result in the licence being void. (ii) The number of persons permitted to be on the premises shall at no time exceed 40 internally, including members of staff. (iii) The licence shall be deemed to cover the floor space of the premises accessible to the public. (iv) That if any door security staff are employed they must be members of the Jersey Door Registration Scheme. 7. The licence shall extend to incorporate the al fresco area and be subject to the following further conditions:- (i) There shall be no bar as defined in Article 1 of the Licensing (Jersey) Law 1974 on the said area of land; (ii) There shall be a clear division between the al fresco area and the area where the public pass, and (iii) Persons consuming alcoholic beverages in this area must be seated. 8. The Sixth Category Off Licence held by Terre D'Italia Limited is now varied in two respects: (i) We limit the Sixth Category Licence to the point of sale within the premises and (ii) The tasting room condition on the said Sixth Category Licence is henceforth void. Amar Limited 9. We are of the view that this application is premature. No consent has been obtained for the purposes of Article 8(2) of the Law and we are simply not in a position to deal with it. 10. We therefore adjourn the application to the Assembly to be held on 19 th December or, if the applicant is ready, to an Extraordinary Licensing Assembly. 11. The Assembly would like to draw to your attention that your provisional Third Category, if granted, will have to give very specific attention to toilet provision, and you may like to think about a Taverner's Licence perhaps being more appropriate in view of the decisions we have taken today.

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