

AN INTRODUCTION TO THE LIQUOR LICENSING (GUERNSEY) ORDINANCE, 2006

If you have any queries, please do not hesitate to contact the Business support Assistant either by telephone at 717371 or email at homeaffairs@gov.gg

LIQUOR LICENSING EXAMS

- ◉ Liquor Licensing Exams enable licensees and their staff to demonstrate their knowledge of the Liquor Licensing (Guernsey) Ordinance, 2006
- ◉ Supported by the Drug and Alcohol Strategy, Home Affairs, Guernsey Police and the Courts as a means of ensuring high standards within the licensed trade
- ◉ Exams take place on final Wednesday of each month at Sir Charles Frossard House and cost £15. To book, please email homeaffairs@gov.gg or phone 717371

THE BASICS

- ⦿ The licensee or designated official is ultimately responsible for the licence at all times irrespective of whether or not they are present
- ⦿ A licence holder requires permission from the Home Department to be absent for more than seven days, and from the Royal Court to be absent for more than two months.
- ⦿ A liquor licence is valid from 1st June until 31st May and requires annual renewal.
- ⦿ Material alterations to a licensed premises need to be approved by the Royal Court

KEY DEFINITIONS

- ◉ **On Sales-** intoxicating liquor is sold and may be consumed on the premises (pubs, restaurants etc).
- ◉ **Off Sales** - intoxicating liquor is sold in sealed containers for consumption elsewhere (shops)
- ◉ **Under 18 Permit** – a permit granted by the Royal Court allowing under 18s to be present in a bar area subject to conditions imposed by the Court
- ◉ **Licensing Conditions-** additional conditions imposed by the Royal Court on individual premises. They may surround opening times, number of patrons, doo supervisors or noise control.

KEY DEFINITIONS

- ◉ **Licensee**- Person, limited company or private member club
- ◉ **Designated Official**- person in charge of the license where the Licensee is either a limited or a private member club
- ◉ **Temporary Designated Officer** - acts when the Designated Official is absent for more than 7 days and is approved by the Home Department.

LICENSING HOURS

- ◉ Alcohol may only be sold, supplied, consumed or offered for sale during defined licensing hours

- ◉ **Bars/ Cafes/ Restaurants/ Private Members Clubs/ Hotels (non-resident)**
 - 10.00 am - 12.45 am with the exception of
 - ◉ Sundays: 12 noon to 12:45 am
 - ◉ Christmas Day: 11.am - 12.45am
 - Good Friday: 12noon - 12.45amm

- ◉ **Nightclubs**
 - 10.00 am – 1.45 am with the exception of
 - ◉ Sundays: 12 noon to 12.45 am
 - ◉ Christmas Day: 11.am - 12.45am
 - Good Friday: 12noon - 12.45am

- ◉ **General Off-Licence**
 - 7.00 am – 12. 00 midnight

THE RESPONSIBLE SERVING OF ALCOHOL

PEOPLE WHO ARE INTOXICATED

- ❖ Anyone who is **drunk** or **violent** is not allowed to enter or remain on licensed premises.
- ❖ You are allowed to use '*reasonable force*' to eject that person from the premises if they refused to do so when asked. However, you must consider the health and safety of other customers.
- ❖ Call the Police if assistance is required.

THE RESPONSIBLE SERVING OF ALCOHOL

What is drunkenness?

- ❖ In general, a person who is;
 - ❖ unable to stand upright,
 - ❖ unsteady on his feet,
 - ❖ incoherent,
 - ❖ aggressive or uncooperative, is likely to be drunk.
- ❖ If there is clear evidence that the person cannot walk home safely unaided then they are drunk.
- ❖ A person whose speech is mildly slurred or whose physical coordination is affected is likely to be under the influence of alcohol.

(From Jersey – 2006 JLR Note 14 in the matter of Le Hocq Inn Limited)

THE RESPONSIBLE SERVING OF ALCOHOL

UNDER EIGHTEENS

- ❖ People under the age of 18 must not be sold or supplied alcohol.
- ❖ Staff must also seek to ensure that patrons are not buying drinks for younger counterparts.
- ❖ Staff under 18 may not sell alcohol except in conjunction with a meal.
- ❖ If, for any period of time, an off licence is only staffed by individuals under 18, any alcohol must either be removed from display or the display area covered up.

AGE VERIFICATION



1. PASS hologram signifies the card is genuine.
2. Colour photo of cardholder.
3. Age band confirms immediately if the cardholder is the right age.
4. UV (ultraviolet) markings in the form of two '100% Proof' logos.
5. The LEALTA logo enables cardholders to obtain discounts for over 100 stores both locally and in the UK

Holographic overlay that is completely smooth and covers the entire card

Passport or Driving Licence

- not ideal due to not being a proof of age card
- Staff have to work out what the age the individual is which takes time



PRESENCE OF UNDER 18

No person under 18 years is permitted in a bar unless they:

- ❖ Are the child of the licensee,
- ❖ Live on the premises (but are not employed there) and are accompanied by person over 18 years,
- ❖ They are solely passing from one area of the premises to another and there is no other reasonably accessible route.

Or

- ❖ An Under 18s Permit is in force,
- ❖ The bar is closed.

COMMITMENT TO BEING GOOD NEIGHBOURS

Actions must be taken to avoid noise escaping from licensed premises which can cause a nuisance to neighbours.

Some tips are:

- ❖ Closing doors and windows (but not locked)
- ❖ Putting posters up advising people that they are in a residential area and to keep the noise down as they leave
- ❖ Keep the music on a low volume
- ❖ Seek advice from Environmental Health Department
- ❖ Make regular checks of noise level outside

PAYING FOR ALCOHOL

All drinks must be paid for at the time of service

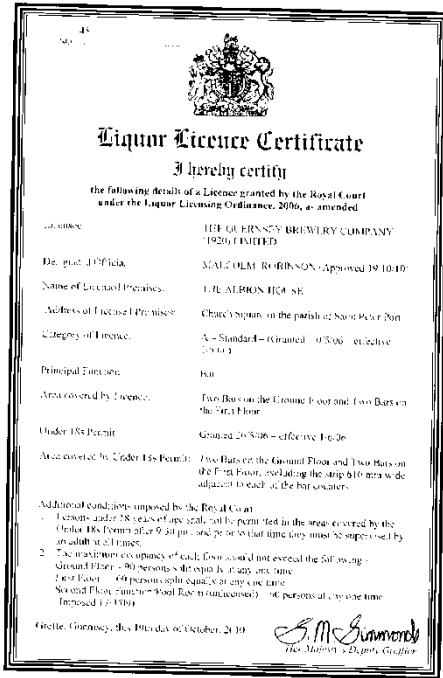
The only exceptions are;

- ❖ in conjunction with a meal
- ❖ if you are a resident of the hotel / guest house

CO-OPERATING WITH THE POLICE

- ❖ A Police Officer whilst on duty can enter a licensed premises, at any reasonable time, to ensure the good running of the premises.
- ❖ A person shall not get in the way or stop a Police Officer trying to enter a licensed premises.
- ❖ If there is a risk for Public Safety, a Police Inspector can order the temporary closure of the premises for no more than 24 hours. The Royal Court can extend the closure up to 14 days.

NOTICES TO BE DISPLAYED



Liquor Licence Certificate

Offences concerning young people

The Liquor Licensing Ordinance, 2006

NOTICE

Offences concerning persons aged under 18 (young persons)

DON'T BUY IF - 1. A young person shall not purchase or attempt to purchase intoxicating liquor on licensed premises.

**DON'T BUY
OR SUPPLY
FOR AN
UNDER 18** - 2. A person shall not purchase or attempt to purchase intoxicating liquor for a young person on licensed premises.

DON'T DRINK IF UNDER 18 - 3. A young person shall not on licensed premises -

(a) obtain or attempt to obtain or receive intoxicating liquor on licensed premises.

(b) accept or attempt to accept intoxicating liquor from another person, or

(c) consume or attempt to consume intoxicating liquor.

WARNING!

MAXIMUM PENALTY -

£1000

Detailing the price per measure for various drinks including brandy, whisky, rum, gin, vodka, port, sherry, vermouth and other fortified wines, and beer, porter, cider and perry

(not applicable for a
Category 'I' Licence-
General Off-Licence)

Price List

OFFENCES UNDER THE ORDINANCE

- ◉ The Liquor Licensing (Guernsey) Ordinance, 2006 sets out a number of offences which the licensee and/or his staff and/or customers can commit including:-
 - Sale of alcohol without a licence
 - Sale of alcohol outside of permitted hours
 - Allowing under 18s to be on the premises
 - Allowing the sale or supply of alcohol to under 18s
 - Allowing someone who is drunk or disorderly to remain on licensed premises
 - Causing or allowing undue noise to emanate from the premises
 - Using the premises for immoral purposes

OFFENCES UNDER THE ORDINANCE

- ⦿ A conviction may result in a:
 - Fine – up to £10,000
 - Imprisonment – up to 3 months
 - Caution

- ⦿ Following prosecution of a relevant offence, the Department will normally refer the matter to the Law Officers of the Crown to make an application to the Royal Court to suspend, vary or revoke the licence.