



# BILLET D'ÉTAT

WEDNESDAY, 26th OCTOBER, 2005

XVI  
2005

1. Home Department - Review of Liquor Licensing Legislation, p. 2087.
2. Policy Council - Bailiwick Alcohol Strategy, p. 2131.

# ***B I L L E T D ' É T A T***

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## **TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY**

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I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 26<sup>th</sup> OCTOBER, 2005,** immediately after the meeting already convened for that day, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

**G. R. ROWLAND**  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey  
7 October 2005

## HOME DEPARTMENT

### REVIEW OF LIQUOR LICENSING LEGISLATION

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

21<sup>st</sup> September 2005

Dear Sir

#### 1. Executive Summary

The purpose of this report is to propose amendments to the current liquor licensing legislation based on:

- (a) A review of the impact of changes in licence categories following States approval of the Liquor Licensing Ordinance 1993, as amended;
- (b) Increasing concerns about the levels of alcohol-related crime and disorder and general noise and nuisance from some licensed premises;
- (c) Increasing concerns about binge drinking, particularly amongst teenagers;
- (d) Best practice in respect of public safety on and, in the case of an emergency, the safe evacuation of premises; and
- (e) The development of an Alcohol Strategy for the Bailiwick.

#### 2. Background

The most fundamental change in licensing practice was in January 1994, when the Liquor Licensing Ordinance 1993 came into force, and involved a move away from a system based on categories of licences, which reflected the nature of the premises (that is, restaurants, cafés, bars, etc) to a system whereby premises selling alcohol could (except in the case of some specific categories of premises, such as off licences) operate under a general liquor licence and, depending on the nature of the business, a family permit.

However, following this change concern is being expressed by some of the licensed trade, the Courts and the Douzaines that once a general licence is granted it is possible for a proprietor to change the nature of the business carried on from those premises, without there being any necessity to return to the Royal Court. Only where a permit for an additional function is sought or alterations of the internal layout of the premises will

the licensee need to make a new application to the Royal Court. That is, a premises operating as a restaurant when a General Licence is granted may change to a pub, without any need to apply to the Royal Court if there are no changes to the structural layout or additional permissions being sought.

This is not entirely satisfactory. For example the Royal Court may be willing to grant a restaurant licence for premises where it may not grant a public house licence. Whilst a small restaurant in or on the edge of a primarily residential area may not attract any adverse reports, a request to open a public house on the same premises may attract considerable opposition. The clientele for a restaurant are likely to be very different from those for a public house. Further, diners will tend to leave the premises in small groups when they have finished their meal rather than en masse at closing time. Similarly, a lower incidence of alcohol-related disorder is generally associated with diners than those frequenting a public house.

Other more specific representations have included:

- (a) **The Royal Court** - for guidance about what factors it should take into account when considering applications for:
  - (i) *Family permits* - there are no criteria set out in the current legislation which the Court may use to assess the suitability of premises for a permit;
  - (ii) *Nightclub permits* – the Court is unclear as to the requirements relating to the provision of live entertainment or dancing.

The Court also expressed concern that the imposition of large fines appeared to have only limited deterrent affect on those charged with alcohol-related crimes, in particular disorderly conduct whilst drunk.

- (b) **The St Peter Port Douzaine and Constables** - for a return to family permits being based on the provision of meals and measures to address the increased incidence of people drinking in public places which is having a negative impact on those living or working nearby. The Douzaine and Constables also commented that the current levels of fees payable to them for preparing reports does not reflect the amount of time taken to complete the task.
- (c) **The Guernsey Fire and Rescue Service** – provision for:
  - (i) Greater control of the number of persons permitted on licensed premises at any one time. That is, to bring all licensed premises in line with the fire safety controls associated with Salle Publique licences. The concerns expressed relate to the need to ensure that premises could, in the event of a fire or other incident, be evacuated speedily and timely without harm to anybody therein;

- (ii) A simple system to quickly identify the licensee or, in his absence, the person responsible for supervising the premises; and
  - (iii) A power to close licensed premises in exceptional circumstances where there is a risk of serious public harm or disorder without the necessity of a full application to the Royal Court.
- (d) **The Environmental Health Services** - for inclusion in the reporting process to ensure that all licensed premises satisfy legislation relating to environmental health matters and, in particular, the control of noise emanating from licensed premises
- (e) **The Island Police Force** – provision for:
- (i) A simple system to enable a police officer to quickly identify the licensee or, in his absence, the person responsible for supervising the sale of alcohol;
  - (ii) A system to control drinking in public places where such behaviour was likely to result in nuisance to others; and
  - (iii) A power to close licensed premises in exceptional circumstances where there is a risk of serious public harm or disorder without the necessity of a full application to the Royal Court.
- (f) **The Customs and Immigration Service** – for amendments to the provisions in respect of the States Gauger (Chief Customs Officer) and his powers to seize any paraphernalia associated with the adulterated spirits and spirits stored on the licensed premises and to seek the forfeiture of items seized on conviction.
- (g) **Environment Department** – amend Public Highways (Temporary Closure) Ordinance, 1999 to allow applications for alfresco licences to be heard by the Ordinary Court, as per liquor licence applications.

The Department is satisfied that the strength of the concerns which were being raised both within and from outside the Department necessitated a major review of the approach to liquor licensing, which the States had approved in July 1993 and March 2003.

Further, the Department has been involved in the work being undertaken to develop an Alcohol Strategy for the Bailiwick. This work stream also reflects the growing concern at the level of alcohol related crime and disorder and growing public concern regarding excessive drinking.

### 3. Evidence of Alcohol-related Crime and Disorder

The Department found that neither the Guernsey Police nor the Department of Health and Social Services currently collect data regarding alcohol-related crime and disorder

or binge drinking per se. That is, the Guernsey Police record crime by offence classification, so unless an offence is alcohol-specific, for example driving whilst over the prescribed limit or behaving in a disorderly manner whilst drunk, it is difficult without checking the offence report to readily identify whether or not the offender was under the influence of alcohol at the time of the offence. Notwithstanding, it is recognised that certain categories of offence and/or patterns of offending are closely linked to alcohol consumption. For example, many assaults, public order offences and incidents of criminal damage, especially when they occur during the evening or at night, involve people who are drunk or have been drinking alcohol immediately prior to the offence.

The Department is conscious that it is unable to provide detailed local evidence of the apparent change in drinking patterns or to support the widely held view that binge drinking is becoming an increasing problem on the Island. However, it noted that various comparative studies of drinking trends in Guernsey and the UK, including the Health and Social Services Department and the University of Southampton “Healthy Lifestyle Surveys” and 1996 Board of Health’s “Alcohol and Young Adults” survey, have shown that the patterns and trends identified in Guernsey are similar to those identified by comparative surveys in the UK.

It therefore looked to UK-based research in this area as it was satisfied that trends being identified in the UK could appropriately inform discussions locally. In doing so it recognises that this approach is less than ideal but believes this is the right approach and preferable to waiting until the evidence is available and risk alcohol-related crime and disorder further increasing in the interim.

The Department looked at a number of studies from the Institute of Alcohol Studies including research papers on:

- (a) *Alcohol-related Crime and Disorder*
- (b) *Alcohol and Crime*
- (c) *Binge Drinking: Nature, Prevalence and Causes*
- (d) *Binge Drinking: Medical and Social Consequences*
- (e) *Young People, Alcohol and Other Drugs: International Comparisons*
- (f) *Drinking in Great Britain*
- (g) *Alcohol Problems, Causes and Prevention*

It also looked at a number of Home Office papers, including:

- (a) *Drinking, Crime and Disorder*
- (b) *Violence in the Night-time Economy: Key Findings from the Research*
- (c) *Alcohol-related Assault: Findings from the British Crime Survey*
- (d) *Underage Drinking: Findings from the 1998-1999 Youth Lifestyles Survey*

- (e) *Findings from the 2003 Offending, Crime and Justice Survey: alcohol-related crime and disorder.*

In addition the Guernsey Police has reported an increase in the number of assaults, that is, offences which are most often associated with the excessive use of alcohol, and public order offences, where the offender had been drinking, between 1999 and 2004. In 1999 112 assaults were recorded and in 2004 the figure had risen by over 53% to 172. Similarly, public order offences involving drunkenness rose by 22% from 451 to 550.

### ***Binge Drinking***

The Department recognises that there is no universally agreed definition of binge drinking but the term is generally used to describe a pattern which involves the consumption of alcohol to excess over a relatively short period of time. Statistics on the incidence of binge drinking locally are not available but the anecdotal evidence from the licensed trade, the Courts, police officers, probation officers, hospital staff, teachers and youth leaders, as well as the media and general public, suggests that this type of drinking pattern is prevalent locally and it is a trend that has emerged in the last 5 years or so. It is a worrying trend as it can be harmful particularly amongst young people (16 to 25 year olds) and it is this group who appear most likely to binge drink. It can also lead to problematic drinking in latter life.

The Home Office funded report, *Findings from the 2003 Offending, Crime and Justice Survey: alcohol-related crime and disorder*, focused on young adults aged between 18 and 24 years old as this group is, typically, most likely to binge drink and most likely to offend. It highlighted the following relationships between the patterns of alcohol consumption and offending behaviour (see Appendix 1).

### ***Prevalence of binge drinking***

- (a) Nearly half of young adults (18 to 24 year olds) were identified as binge drinkers.
- (b) This group was more likely to binge drink than any other age group.
- (c) Young males were more likely to binge drink than young females.

### ***Binge drinking and general offending***

- (a) Binge drinkers were more likely to offend than other regular drinkers.
- (b) Young male binge drinkers were more than twice as likely to commit a violent offence as other young male regular drinkers.
- (c) Young adult binge drinkers committed a disproportionate amount of the total number of crimes.

### ***Binge drinking and disorderly behaviour during or after drinking***

- (a) Disorderly behaviour during or after drinking was again more prevalent among young adult binge drinkers.
- (b) Young male binge drinkers were much more likely to get into a fight and damage something during or after drinking than young female binge drinkers.
- (c) Even after other factors were taken into account, frequency of drunkenness was still an important indicator of criminal and disorderly behaviour during or after drinking.
- (d) The likelihood of getting into an argument, getting into a fight and damaging something during or after drinking increased the more frequently individuals drink to intoxication.

Appendix 1 contains more detailed statistical evidence from this Home Office study about the prevalence of alcohol-related offending amongst 18 to 24 year olds. The Institute of Alcohol Studies research paper – *Young People, Alcohol and Other Drugs – International Comparisons* - includes statistics from the Isle of Man which shows that 15 to 16 year olds are consistently in the top five, i.e. the heaviest drinkers, of those jurisdictions surveyed about their drinking habits.

### ***Alcohol and Crime***

International research findings show that:

- (a) Alcohol does not increase problems of aggression in neutral situations, but does in situations of provocation, threat or frustration, especially when heavy drinking is involved.
- (b) Alcohol-related aggression tends to differ from non-alcohol-related - being more likely to occur in public rather than private settings; to involve males, strangers and more than two people, for example, drink-related aggression is more common in bars with a large proportion of groups of males, versus solo males, couples or mixed groups and often involves group loyalty/rivalry.

The excessive use of alcohol places a considerable burden on the police and other public services, in particular the health service, as:

- (a) The majority of arrests for alcohol-related offences occur between 10.30pm to 3.00am.
- (b) There is the potential for routine incidents of public nuisance to escalate to more serious, especially violent, offences.
- (c) Dealing with intoxicated offenders is difficult and time consuming. For example, they may have to be held until sober; the police have a duty of care and have to ensure the offender does not come to harm by choking on their own vomit. The offender must be checked every 15 minutes. Medical attention may



be necessary. Female offenders must be supervised by female officers who may have to be taken off other duties.

- (d) Intoxicated prisoners can be disruptive, uncooperative and present care and control problems during or after arrest.

The Department is pleased to note that the collection of such data is one of the key proposals in the Alcohol Strategy. Any further amendments of the licensing laws will, wherever possible, be evidenced-based using the Alcohol Strategy's database.

Further, on 9<sup>th</sup> August 2005 senior Judges in England and Wales advised the Home Office that, in their opinion based on their experience from hearing many cases involving serious crimes in which the excessive consumption of alcohol has been shown to be a significant contributory factor, that they expect incidences of alcohol-fuelled violent crime to soar when the Licensing Law 2004, including allowing round-the-clock drinking, comes into force in November.

The Council of Her Majesty's Circuit Judges has advised the Home Office as follows:

*"Those who routinely see the consequences of drink-fuelled violence in offences of rape, grievous bodily harm and worse on a daily basis are in no doubt that an escalation of offences of this nature will inevitably be caused by the relaxation of liquor licensing which the Government has now authorised."*

Their opinion is fully supported by the Association of Chief Police Officers which has questioned the fundamental argument behind the UK Government's policy, namely that variations in closing times would lead to less violence on the streets and that there is little evidence to assert that an 11.00pm closing time leads to binge drinking. Whilst the Department is not recommending any changes in the permitted hours in the report and acknowledges that the measures under the Liquor Licensing Act 2004 are different from its proposals for amending the Ordinance, it believes that it would be ill advised to dismiss these views out of hand.

#### **4. Liquor Licensing Working Group**

In August 2004 the Department established a Working Group of interested parties to undertake its review (see Appendix 2 for Working Party membership). Following a period of public consultation (see Appendix 3 for the list of respondents to the consultation) the Department presented a States Report recommending a number of changes to the Island's licensing regime. However, these proposals met with considerable public concern and the Department decided to withdraw the Report and consult further with the licensed trade and the public.

Following this decision the Working Party was reconvened and its membership extended to include a wider spectrum of representatives from the licensed and hospitality trade. Representatives from the newly formed Hospitality and Tourism Group of the Chamber of Commerce, Guernsey Breweries Ltd and Herm Island joined the Working Party (see Appendix 2 for full membership).

In reconvening the Working Party the Department sought to listen to the concerns about its original proposals and identify an approach, which would address the concerns raised by the various groups, outlined above, but would not impact unnecessarily harshly on those licensees who operated their licences well. The Department fully accepts that the vast majority of licensees undertake their rôle responsibly and seek to work in partnership with the community in which they are located.

The representatives of the licensing trade advised the Department that there was a strong desire to ensure that the Island's licensing laws were enforced robustly but fairly to prevent harmful drinking and minimise the levels of alcohol-related crime and disorder.

The Department is pleased that all the licensees represented fully support the vast majority of the recommendations set out in its original States Report, namely the introduction of:

- (i) Exclusion Orders as a sentence of the Court to replace the "Black List";
- (ii) Alcohol-free Zones;
- (iii) Temporary Closure Orders in the interests of public safety;
- (iv) Stronger controls to require all structural alterations to licensed premises to be approved by the Royal Court;
- (v) Named Premises Supervisors to be present on the licensed premises whenever alcohol was available for sale;
- (vi) Clear definitions of "live entertainment and dancing" in respect of nightclub licences;
- (vii) Measures to curb drinks promotions where there is evidence that they may be linked to harmful or binge drinking;
- (viii) Protocols for requiring licensees and bar staff always to require proof of age before selling alcohol;
- (ix) An agreed statement of licensing policy for all licensees aimed at promoting sensible drinking and minimising the negative impact of alcohol on the individual and the community;
- (x) The aims of the proposed Bailiwick Alcohol Strategy;
- (xi) Parallel application process for al fresco and liquor licence applications;
- (xii) Amendments to the powers of the States Gauger (Chief Customs Officer);
- (xiii) Streamlined system for the preparation of reports for the Royal Court to ensure consistency regardless of the type, size or location of the licensed premises;
- (xiv) Additional reports to the Royal Court from the Fire and Rescue Service and Environmental Health Services;
- (xv) Amendments to the application process to ensure openness without becoming overly bureaucratic;

- (xvi) Greater powers for the Royal Court to impose additional conditions to a licence;
- (xvii) Appeals against decisions of the Royal Court on a point of law;
- (xviii) Provisions to facilitate a more reactive approach for the Department to request the Royal Court to amend, suspend or revoke a licence; and
- (xix) Primary legislation in respect of the grant of liquor licences and the regulation of licensed premises.

The discussions therefore focused on the following areas which had given cause for concern, namely the Department's previous proposals for:

- (i) A move from a general licence to licences by type of licensing activity (see section 6);
- (ii) Increased restrictions for under 18 year olds on licensed premises (see Section 7); and
- (iii) Increased licence fees (see Section 10).

Her Majesty's Procureur has advised the Department that, given the various changes in the regulation of the sale of intoxicating liquor and alcohol-related crime and disorder, there is now a need to introduce enabling legislation in this area (see Section 5).

## **5. Proposals for a Liquor Licensing Enabling Law**

The superintendence by the Royal Court of the liquor trade is of ancient origin. In 1607 a Royal Commission, appointed to investigate various complaints of Guernsey's inhabitants, directed that the sale of wine, beer and cider

*"... of ancient and immemorable time hath belongth to the Bailiff and Jurats, and therefore we leave the same by them to be ordered, as in all former times hath been accustomed".*

For the most part, legislation regulating the retail sale of intoxicating liquor has been effected by Ordinance, although the creation and operation of the 'Black List' was under a *Projet de Loi*, the Intoxication Liquor (Prohibition Orders) (Guernsey) Law, 1960, and in Victorian times, Laws were enacted to regulate off-sales of beer and cider, to bring their regulation into line with that concerning the sales of wines and spirits.

Historically, the Royal Court has been engaged not only in legislating (as it did before 1949) in respect of the liquor trade, but also in licensing retail liquor establishments, this latter function in succession to the Constables whose involvement in the inspection of taverns is of very ancient origin.

There is, however, a limit to the States' powers in legislating by Ordinance, and whilst it is difficult to be precise in identifying the point at which a *Projet de Loi* rather than an Ordinance is required, H.M. Procureur is of the opinion that increasing regulation of the retail sale and consumption of liquor, and the control of conduct in and around licensed premises, render it desirable that an enabling *Projet de Loi* be enacted. He advises that

such a Projet should create specific power for the States by Ordinance to legislate and regulate extensively in respect of all aspects of the liquor trade, and associated matters, including consumption of alcohol in public places. Further, in this respect, it is of interest to note that in both Jersey and the Isle of Man, primary legislation, i.e. legislation equivalent to a Projet de Loi, has been enacted.

H.M. Procureur also recommends that the legislation be drafted so as to extend not only to cover the matters identified below in respect of which the Department proposes specific legislation, but also to enable the States by Ordinance, if thought fit, to create a licensing authority distinct from the Royal Court in order that appeals from licensing decisions may be heard by the Bailiff sitting as the Royal Court rather than by the Court of Appeal, as is proposed below (see Section 12). The transfer of the jurisdiction of the Royal Court in the grant of liquor licences and the regulation of licensed premises to a new licensing authority not being the Royal Court would, in his opinion, require a Projet de Loi, or an Ordinance made pursuant to an enabling Projet de Loi.

Pending the commencement of the new enabling Projet de Loi the Department proposes that the various recommendations set out in this report should be enacted by Ordinance under the present power. When the enabling Projet de Loi is in place a new Ordinance, covering all aspects of the regulation of the sale and consumption of liquor and the conduct of persons in and around licensed premises, the designation of public places as “Alcohol-Free Zones” and the introduction of exclusion orders, will be prepared under its enabling powers.

In recent years the growing incidence of nuisance – including rowdy behaviour and vandalism – associated with consumption of liquor in public places, is well known to Members of the States. The Department is of the firm opinion that legislation should be enacted to allow the Department to designate certain public places as areas in which, during specified periods, it would be illegal to consume intoxicating liquor. These designated areas would be places in which consumption of liquor, particularly if associated with rowdy behaviour and in the presence of children, is considered inappropriate and anti-social – for example the streets, steps and squares of the Town at certain times of day. It is, of course, not the Department's intention to prevent or restrict the ordinary and pleasurable consumption of liquor as part of a picnic, or at recreational or sporting events, but generally speaking, the Department believes that Guernsey's streets should not be used as places for the habitual and unrestrained consumption of intoxicating liquor.

Within such areas (during specified periods in certain cases) the consumption of alcohol would be prohibited and the Police would have powers, *inter alia*, to confiscate and dispose of any alcohol being, or being about to be, consumed, and, where appropriate, proceed by way of prosecution. The Department does not propose a comprehensive ban on drinking in the open air recognising that such a proposal would be disproportionate to the intended purpose, namely that of minimising alcohol related antisocial behaviour and nuisance in areas where there is a history of such problems. The Police already have powers to deal with persons who are drunk or violent or rowdy or vandalising property, but the power now sought is intended to restrict, and where appropriate to

prevent, the public consumption of liquor, which is often the precursor to such behaviour, and so is proposed as a preventative as well as a curative measure.

The Department also believes that any new *Projet de Loi* should include provisions enabling the courts in certain circumstances to make orders ("exclusion orders") excluding individuals, convicted of offences where consumption of alcohol has featured, from licensed premises generally or any particular licensed premises specified by the court. Breach of the terms of any such orders would constitute a criminal offence.

In relation to this proposal, the Department shares concerns expressed by the Royal Court that despite the robust approach taken by the courts, in particular the Magistrate's Court, large fines appear to be having less of a deterrent affect on offenders. By contrast it notes that in motoring offences drivers will very often ask the court to impose a large fine to avoid a licence suspension which suggests that curtailment of the driver's freedom to use his car is more of a deterrent than a fine. The Department therefore has looked at options for providing a similar deterrent in the sentencing powers for public order offences where alcohol features and other alcohol-related offences. It believes that the introduction of a sentencing power, which would allow the courts (both Magistrates' and Royal) to impose an exclusion order on certain offenders for a specified period of at least 3 months but not more than 2 years, would be beneficial in addressing alcohol-related crime and disorder.

A similar power may be exercised by courts in Jersey and appears to be effective in addressing alcohol-related disorder. The Department believes that such exclusion orders would serve to support the current Pub Watch Scheme and prove more effective than the "Black List". The proposals are supported by the licensed trade which believes that they would enhance the effectiveness of the current Pub Watch Scheme. The licensed trade has indicated that it would encourage licensees to 'ban' anybody subject of such an order from their premises regardless of whether it was specified within the order.

Further, the Department will investigate (and report further) on the use of curfew orders which could be imposed to prevent such offenders from being able to leave their homes or other places which may be designated for the purpose of preventing the person from being free to go out and about socialising on say Friday or Saturday evenings. Such orders would have resource implications and, at this stage, the Department is unable to provide an indication of the costs. It also believes that there may be merit in extending such orders to include young first-time offenders and in such cases believes that such an order should be akin to a binding over order, that is, if the young person does not re-offend for two years no conviction is recorded against him.

## **6. Licence Categories**

Following the reviews of licensing in 1993 the licence categories are as set out in Schedules 1 and 2 of the 1993 Ordinance (see Table 1 below).

(Table 1)

*Existing licence categories*

<b>Category</b>	<b>Weekdays</b>	<b>Sundays (other than Christmas Day)</b>	<b>Christmas Day and Good Friday</b>
<b>General Licence</b>	(i) 10.00am to 12.45am (ii) 10.00 to 1.45am if served under a nightclub permit	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
<b>General Off-Licence</b>	7.00am to 12:00pm	7.00am to 12:00pm	11.30am to 7.00pm
<b>Port Licence</b>	(i) Opening of terminal to 10.00am in sealed containers not for consumption on the premises (ii) 10.00am to 12.45am or closure of terminal whichever is earlier	(i) Opening of terminal to 12 noon in sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier	(i) Opening of terminal to 12 noon in sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier
<b>Club Licence (Private Members' Club)</b>	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
<b>Passenger Vessel</b>	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
<b>Casino Licence</b>	11.00am or when the casino opens whichever is the later to 3.30am or when the casino closes whichever is the earlier	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	Closed

The Department initially considered whether the Liquor Licensing Ordinance, 1993, as amended, could be further amended to address the concerns which have been raised. Initially, it concluded that this approach was not possible or practicable because of the various, and often competing, demands of different sectors of the licensed trade and the desire to impose certain standard conditions in respect of certain licensed premises. Hence its original proposals for a partial return to the pre-1993 position. That is, a licensing system based on licensing according to the nature of the service provided or to be provided from premises at the time of licence application.

The representatives of the licensed trade were unanimous in their view that this was wholly unsatisfactory and potentially detrimental to the trade as a whole, as it was only a minority of licensees who had sought to exploit this loophole. Having listened carefully to the representations made by the licensing trade, following withdrawal of its May 2005 Report, the Department revisited its initial research in an endeavour to amend the existing system based on a General Licence with additional permits to cover extended licensing provisions. From the various discussions it became very clear that the principal concern about the effectiveness of the General Licence was that a licensee did not have to return to the Royal Court to amend his licence should he choose to change fundamentally the nature of his business, for example from a restaurant serving meals to patrons seated at tables to a bar with patrons standing and drinking.

It is therefore proposed that as part of the Standard Conditions of every Standard Licence the primary purpose of the premises will be stated. That is, the licence will indicate whether the premises is trading as a restaurant, café or public house. Where premises are of mixed use the Court will designate the primary use by areas within the premises as detailed on the plan. The Department anticipates that this approach will address the concerns expressed about the current General Licence without necessitating a return to the pre-1993 position of multiple licence categories. The term restaurant, café and public house will be interpreted by their ordinary meaning. The Department proposes the licence categories as set out in Table 2 below.

*Table 2 Proposed Licence Categories*

Category	Scope of Licence
<b>On Sales</b>	
<b>Category A</b> Standard Licence	<p><b>Definition</b> – allows for the sale and consumption of alcohol to persons over 18 years old during the permitted hours in specified areas of the premises<sup>1</sup>.</p> <p><b>Permitted Hours</b> – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday).</p>
<b>Category B</b> Residential Licence	<p><b>Definition</b> – allows the sale and consumption of alcohol to persons over the age of 18 years residing on the premises at any time. No person shall consume any alcohol on the licensed premises other than bona fide guests of a person accommodated on the premises. The guests' names should be recorded in a manner similar to that required for guests in private members' clubs. This category will include private hotels and guest houses which are not open to non-residents and residential and nursing homes subject to registration with the Health and Social Services Department. (<i>Where the premises is a hotel or guest house the number of visitor beds must not be less than 50% of total number of beds.</i>)</p> <p><b>Permitted Hours</b> – at the discretion of the licensee.</p>
<b>Category C</b> Hotel Licence	<p><b>Definition</b> - allows for the sale and consumption of alcohol to persons over the age of 18 years during the permitted hours. This licence will apply to hotels and guesthouses which also have bars and restaurants which are open to non-</p>

<sup>1</sup> Premises will include all areas, inside or outside, the premises which are detailed on the plans submitted to the Royal Court as being open to patrons for the sale and/or consumption of intoxicating liquor. That is the licence will cover the bars and any beer garden or other outside area as may be designated by the Court.

	<p>residents. It will incorporate the Standard and Residential Licence and an Under 18 Permit.</p> <p><b>Permitted Hours (in respect of non-residents)</b> – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); Christmas Day and Good Friday (where no meal taken) 11.00am to 2.30pm and 7.00pm to 10.30pm and (where a meal taken) 11am to 10:30pm.</p>
<b>Category D</b> Club Licence (Private Members' Club)	<p><b>Definition</b> – allows the sale and consumption of alcohol to club members over the age of 18 years and their bona fide guests. Guest names must be recorded in a register.</p> <p><b>Permitted Hours</b> - 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday)</p>
<b>Category E</b> Nightclub	<p><b>Definition</b> – allows for the sale and consumption of alcohol to persons over the age of 18 while providing facilities for live entertainment or dancing.</p> <p><b>Permitted Hours</b> – 10.00am to 1:45am (Monday to Saturday); 12 noon to 12:45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10:30pm (Christmas Day and Good Friday)</p>
<b>Category F</b> Other Licensed Premises	<p><b>Definition</b> - allows for the sale and consumption of alcohol to persons aged over 18 years on the premises or vessels specified.</p> <p><b>Port (on sales)</b> <b>Permitted Hours</b> - 10.00am to 12.45am or closure of terminal whichever is earlier (Monday to Saturday); 12 noon to 12.45am or closure of terminal whichever is earlier (Sunday, Christmas Day and Good Friday).</p> <p><b>Passenger Vessel</b> <b>Permitted Hours</b> - 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday).</p> <p><b>Casino</b> <b>Permitted Hours</b> - 11.00am or whenever the casino opens whichever is the later to 3.30am or when the casino closes whichever is the later (Monday to Saturday); 11.00am or whenever the casino opens whichever is the earlier to 3.30am or when the casino closes whichever is the earlier (Sunday other than Christmas Day); closed (Christmas Day and Good Friday).</p>
<b>Category G</b> General Off- Licence	<p><b>Description</b> - allows the sale of alcohol to any person aged over 18 years, during the permitted hours, in closed vessels, for consumption off the licensed premises.</p> <p><b>Permitted Hours</b> – 7.00am to 12 midnight (Monday to Sunday); 11.30am to 7.00pm (Christmas Day and Good Friday)</p>
<b>Category H</b> Port Off- Licence (Duty-Free Sales)	<p><b>Description</b> - allows the sale of duty free alcohol to any person aged over 18 years travelling to a place outside the Bailiwick, during the permitted hours, of alcohol in closed vessels, for consumption outside the Bailiwick.</p> <p><b>Permitted Hours</b> – opening of terminal to 12.45am or closure of terminal whichever is earlier.</p>



In future, all applications for a liquor licence will require the applicant to submit detailed:

- (a) Statement of the nature of the business, that is, how the premises will be operated. For example, whether food will be served and if so during what hours and whether patrons will be primarily seated at tables or standing; and
- (b) Plans of the premises showing those areas which will be covered by the liquor licence, that is, interior and exterior areas, and including the position and layout of movable furnishing such as tables and chairs.

The Royal Court, will, having considered the various reports presented to it, determine whether or not to grant the licence and if any additional conditions should be attached thereto (see **Section 8. Additional Conditions** below).

## **7. Persons under 18 on Licensed Premises**

The following conditions shall continue to apply to all licensed premises.

- (a) The holder of the licence shall not sell alcohol to a person under the age of 18 or allow a person under that age to consume alcohol on the licensed premises.
- (b) A person under the age of 18 years shall not buy or attempt to buy alcohol or consume alcohol on licensed premises.
- (c) No person shall buy or attempt to buy alcohol for consumption on licensed premises by a person under the age of 18 years.
- (d) The holder of the licence shall not supply, nor shall the holder of the licence permit any person to supply, to a person under the age of 18 years alcohol sold on licensed premises for consumption off the premises.
- (e) A person who acts in contravention of any of the foregoing provisions of this article shall be guilty of an offence.

The Department recommends that the current system of “Family Permits” be replaced by a new “Under 18s Permit”. This will permit persons under 18 years old to enter licensed premises where, following application to the Royal Court it has decided that the premises offers “*a suitable environment for persons under the age of 18 years*”.

It is acknowledged that defining such an environment may be difficult. Therefore the Department will provide guidance notes to the Royal Court, prospective licensees and other parties reporting to the Court on licence applications. This guidance will outline those factors which should be considered when determining the suitability of the premises for persons aged under 18 years old. The final decision will rest with the Royal Court on consideration of the licensee’s application and the reports prepared by the Police, Fire Service, Environmental Health Services and the Douzaines and Constables of the Parish in which the premises is situated.

The applicant will be required to address the following issues when applying for this permit:

- (a) Principal nature of the business, that is, the factors, which the Court will seek to balance. This may be very different where an application is in respect of a premises, which is a restaurant or a café than for one which is a pub.
- (b) Times when persons under 18 years will be permitted onto the licensed premises (for example whether under 18 year olds will be required to leave by a certain time);
- (c) Areas which the under 18 year olds will be permitted to occupy (for example lounge bar but not public bar);
- (d) Facilities available to the under 18 year olds (for example provision of a children's or games area, availability of meals, etc); and
- (e) Other restrictions which may be proposed by the licensee (for example a requirement that under 18 year olds be accompanied and in the charge of an adult).

The Royal Court, in granting a permit, should have the power to impose additional conditions where they are linked to the above issues (see **Section 8. Additional Conditions** below).

The Department is mindful that in many cases the general ambiance of a bar will determine its suitability as a place for young people and that parents must remain ultimately responsible for deciding whether the premises are a place where they wish to go with their children. That is, what is euphemistically referred to a "working man's pub" is unlikely to be regarded as providing "*a suitable environment for persons under the age of 18 years*". Equally, it recognises that there can be a benefit in allowing under 18 year olds onto licensed premises in a managed and controlled way as this may reduce problematic drinking when they reach their eighteenth birthday.

## **8. Additional Conditions**

Every on-sales and off-sales licence will have a number of standard licence conditions attached to it (see Appendix 4). However, the Department is aware that the existing Royal Court's powers to impose additional conditions to a licence are very limited. It is also conscious that the prudent use of additional conditions can prove to be a valuable tool to the Courts, the Police and Fire Services, the Parochial Douzaines and Constables and the licensees themselves to ensure that licensed premises are run in an orderly and safe manner.

The Department therefore recommends that the Court should have wide powers, under a new Liquor Licensing Ordinance, to grant liquor licences subject to such special conditions as it thinks fit in the circumstances of any particular application, provided that those conditions are not inconsistent with any applicable standard conditions. It is suggested that these powers include provision to impose special conditions relating to individual licensees or premises.

The extended Working Group also expressed concern about people 'spilling' out of licensed premises onto the pavement or road whilst consuming the drinks purchased in

the premises. Both the representatives of the licensed trade and the police stated that this was a particular problem in St. Peter Port in the summer months and increasingly on Liberation Day. It presents policing and control problems and is something which visitors to the Island have commented on as having a negative impact on the general ambiance of the Town. The Group was unanimous in its belief that a licensee should take all reasonable steps to prevent this from happening but where an on-going problem was identified an additional condition could reasonably be attached to the licence.

Other examples of the types of special conditions that might be imposed by the Court under such powers include:

- Requirement to provide door and/or security staff;
- Requirement to provide CCTV-based security system inside and/or immediately outside the premises<sup>2</sup>;
- Restrictions on drinks promotions where there is evidence that such promotions are likely to contribute to binge drinking or alcohol-related disorder or nuisance;
- Requirements in respect of the disposal of refuse from the premises;
- Restrictions on the type and duration of sound equipment;
- Fire safety requirements.

The above list of additional conditions is not exhaustive rather it provides an indication of the type of activities which could be addressed by an additional condition. For example, the Environmental Health Services may make suggestions regarding remedial work to kitchens, which is relatively minor, and the Court may agree to grant the licence on condition that the remedial work is satisfactorily completed within a specified period.

Further, it is not the intention to impose additional operating costs on licensees unless the Royal Court is satisfied that, for example, a requirement to engage door staff or fit CCTV is the only way for the premises to continue to operate in a safe and orderly fashion. That is, it is envisaged that such conditions may be imposed rather than refuse an application for a new or to renew a licence or to avoid revoking an existing licence. In all cases, the Department will provide the Court with a reasoned report where it sought such additional conditions. Further, the other parties providing reports would also be able to recommend additional conditions and again would include reasons and appropriate evidence in its report. The Department would indicate to the Court whether it did or did not support the request for additional conditions and provide reasons for its decision.

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<sup>2</sup> Where the Court imposes such a requirement the location of the camera and the image quality and the recording regimes will be determined by the Police in consultation with the licensee to ensure that the camera is effective and complies with provisions under other legislation, such as the Data Protection (Bailiwick of Guernsey) Law, 2000 and the Human Rights (Bailiwick of Guernsey) Law, 2000.

Similarly, the Court will have to be satisfied that the conditions are necessary, fair and proportionate in respect of their purpose. The Court will have powers to revoke or vary conditions and to revoke or suspend licences for breach of conditions. Applicants will have the opportunity to challenge applications for the imposition or variation of special conditions.

## **9. Illegal Activities on Licensed Premises**

The Department acknowledges that the vast majority of licensees endeavour to ensure that no illegal activities, in particular, the supply or use of illegal drugs, occurs on licensed premises. Indeed, the Guernsey Police and Customs are grateful to the many licensees who seek to support measures to control the availability of illegal drugs and bring offenders before the courts.

It believes that, in order to support licensees and maintain the Island's robust stance in respect of the prevention of crime and misuses of illegal drugs a new standard condition should be included in every licence expressly prohibiting illegal activities on licensed premises (see Appendix 4 condition (h)).

## **10. Fees for Licences and Permits**

The current income from license fees is just under £70,000 and paid into General Revenue. The Department estimates that its costs for administering licences is approximately £75,000. This figure solely relates the costs of maintaining a liquor licensing office. It does not include police time in preparing reports or appearing before the Court, nor does it include the court costs and the actual issue of the licence.

The Policy Council's Bailiwick Alcohol Strategy will need some £253,000 of new funding. Annually, some £100,000 of this funding will met from the Drug Strategy and a reduction in the Health and Social Services Department's budget. The Treasury and Resources Department informed the Policy Council's Social Policy Steering Group ("the Steering Group"), which has drafted the Strategy and will be responsible for overseeing and co-ordinating its delivery, that no new money would be available for its implementation. The Steering Group therefore had to look for an alternative route to raise the £153,000. It had further been advised that the Treasury and Resources Department would not support a proposal to increase the duty on intoxicating drinks to fund it (that is, to follow the approach previously adopted by the States, on health grounds, to fund various initiatives to reduce the harm caused by smoking).

The Minister for Health and Social Services, as Chairman of the Steering Group, asked all the Departments represented on the Group<sup>3</sup> to investigate sources of funding for the Strategy from within their existing budgets. The Treasury and Resources Department suggested liquor licence fees could be raised to generate the revenue to fund the Strategy.

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<sup>3</sup> Health and Social Services Department, Home Department, Education Department, Housing Department and Social Security Department

The Health and Social Services Department agreed that its current grant of £48,500 to the Guernsey Alcohol and Drug Abuse Council should, in future, be made under the remit of the Alcohol Strategy. That is, its budget would be reduced by £48,500 and the sum be added to the Strategy's budget. In addition, the Drug Strategy identified that some £51,500 of its current funding could be diverted into the Alcohol Strategy, as there were common areas in the work and so separate funding was not necessary. No other Department was able to identify savings, which could be diverted to the Strategy.

When researching the option of increasing licence fees the Department noted that in 1960 the States had indicated a desire that liquor licence fees should be increased in line with inflation. This has not been followed. The licence fee in 1960 was £22 per year. If this figure had kept pace with inflation it would now be some £460 per annum. Further, it was noted that the licence fees in Jersey are substantially higher (see Appendix 5). It advised the Steering Group that increasing the cost of a standard licence to £500 and other permits by a similar percentage would raise the £153,000 required to fund the Strategy and meet the costs of administering liquor licensing. It acknowledges that its proposals represent a substantial increase but does not believe they are disproportionate when compared with the fees which licensees pay for television licences and to the Performing Rights Society (see Appendix 6 for details).

**(Table 3) Licence/Permit Fee**

Category	Type of Licence / Permit	Current Fees (£)	Proposed Fees (£)
A	Standard Licence	100 or 150 <sup>4</sup>	500 <sup>5</sup>
B	Residential ( <i>see Table 4</i> )	50	250 to 500 <sup>6,7</sup>
C	Hotel ( <i>see Table 5</i> )	150	350 to 1,400 <sup>8,9</sup>
D	Club	100 or 150	500
E	Nightclub	200	2,500
F	Other Licensed Premises <ul style="list-style-type: none"> <li>• Port</li> <li>• Passenger Vessel</li> <li>• Casino</li> </ul>	150 20 Not set	500 500 5,000
	Family Permit / Under 18 Permit	50	250 <sup>10</sup>
G	Off-Licence ( <i>see Table 6</i> )	100	350 to 1,400
H	Port Off-Licence (duty-free) ( <i>see Table 6</i> )	100	350 to 1,400

The Department has accepted the argument made for a reduction in the level of fees in four cases where special circumstances apply.

First, where premises are only open for a few months, it proposes to reduce the fee by 1/3<sup>rd</sup> where the premises is open for a continuous period of less than 30 weeks in any

<sup>4</sup> Depending on whether the licensee also held an Under 18s Permit

<sup>5</sup> 1/3<sup>rd</sup> reduction if premises open for a continuous period of less than 30 weeks in any one licensing year

<sup>6</sup> The fee payable will depend on the number of rooms in the premises – see Table 4

<sup>7</sup> 1/3<sup>rd</sup> reduction if premises open for a continuous period of less than 30 weeks in any one licensing year

<sup>8</sup> The fee payable will depend on the number of rooms in the hotel – see Table 5

<sup>9</sup> 1/3<sup>rd</sup> reduction if premises open for a continuous period of less than 30 weeks in any one licensing year

<sup>10</sup> 1/3<sup>rd</sup> reduction if premises open for a continuous period of less than 30 weeks in any one licensing year

licensing year, that is 1<sup>st</sup> May to 30<sup>th</sup> April (see **Section 14. Implementation of New Licensing Categories and Fees**).

Second, the various sports clubs informed the Department that they provided a licensed bar partly to provide a social facility to promote and encourage membership of the club, but primarily as a source of income to underwrite other club expenses. It is accepted that all the sports clubs operate on a not-for-profit basis with any profit from bar takings being ploughed back into club funds. It therefore proposes that all clubs should pay a flat rate of £500 per year and this fee will include an Under 18s permit subject to the approval of the Royal Court.

Third, the Department accepts that for some small hotels and residential homes the sale of alcohol represents only a very small percentage of their overall takings. It therefore proposes that the level of fee payable should be linked to the number of guest rooms (see Tables 4 and 5 below).

**(Table 4) Residential Fees**

<b>Band</b>	<b>Number of Guest Rooms</b>	<b>Fee Payable - £</b>
1	10 rooms or less	250
2	11 to 20 rooms	350
3	21 or more rooms	500

**(Table 5) Hotel Fees**

<b>Band</b>	<b>Number of Guest Rooms</b>	<b>Fee Payable - £</b>
1	15 rooms or less	350
2	16 to 30 rooms	700
3	31 or more rooms	1,400

Fourth, the Department accepted that there should also be a banding system for off licenses linked to the size of the premises. Further, following representations made during the second consultation, it agreed that where off-sales were not the primary function of the shop and they represented less than five percent of sales or occupies less than 15 metres of shelf space, whichever is the lesser percentage, the fees payable be reduced by one-third. Shelf space will be measured per shelf, that is a three tiered shelf measuring 6 metres will be regarded as providing 18 metres of shelf space.

**(Table 6) General and Port Off-Licence Fees**

<b>Band</b>	<b>Sales Area<sup>11</sup> - Sq Ft</b>	<b>Fee - £</b>
<b>A</b>	Under 1,000	350
<b>B</b>	1,000 to 2,999	700
<b>C</b>	Over 3,000	1,400

<sup>11</sup> Sales Area in sq ft relates to the entire sales area of the premises and not limited to the area which is reserved for the sale of alcohol.

**(Table 7) Examples for the Proposed Fees**

CURRENT POSITION	NEW POSITION
<b>Premises A</b> <b>General Licence</b> (Pubs not admitting under 18 year olds) Current fee - £100	<b>Standard Licence</b>  New fee - £500
<b>Premises B</b> <b>General Licence plus Family Permit</b> (Restaurants, cafés and pubs admitting under 18 year olds) Current fee - £200	<b>Standard Licence plus Under 18s Permit</b>  New fee - £750
<b>Premises C</b> <b>Club, including Family Permit (where approved)</b> (Private members' and sports clubs) Current fee - £150	<b>Club Licence including Under 18s Permit (where approved)</b>  New fee - £500
<b>Premises D</b> <b>General Licence plus Residential and Family permits</b> (Hotels open to non-residents) Current fee - £300	<b>Hotel Licence</b>  New fee - £350 to £1,400 (depending on the size of the hotel)
<b>Premises E</b> <b>General Licence plus Nightclub Permit</b> (Nightclubs with extended hours) Current fee - £150	<b>Nightclub Licence</b>  New fee - £2,500

In addition, the charges for amendments to existing licences have also remained unchanged for many years. In most cases the level of administrative work and court time required is very similar to that for issuing renewing existing licences (see Table 8).

**(Table 8) Fee to Vary Licence/Permit**

Application to Amend or Vary an Existing Licence or Permit	Current Fees £	Proposed Fees £
Change of Designated Official	100	200
Extension to Licence Category	150	250
Extension to Family Permit/Under 18 Permit	150	200 <sup>12</sup>
Alteration to Club hours	30	60
Alteration to Licensed Premises	100	200
Extension to Family Permit/Under 18 Permit	50	200 <sup>13</sup>
Alteration to Night Club Licence	100	200
Extend hours	10	50
Short term extension to other premises	10	50
Occasional Permit ( <i>charitable / not-for-profit groups &amp; organisations</i> )	--	--
Request for variation of Licence Conditions	N/A	250
Late withdrawal or deferral of application ( <i>less than 7 working days before Court date</i> )	N/A	100

<sup>12</sup> £100 when part of an application to alter the principal licence

<sup>13</sup> £100 when part of an application to alter the principal licence

However, based on the above proposals for licence categories and permits the Working Group, accepted that the increases, whilst significant, were not disproportionate, particularly as they had remained artificially low for so many years, and could reasonably be borne by the licensees. It was acknowledged that the proposals in the Policy Council's Alcohol Strategy were aimed at the long-term well-being of all Islanders. Further, given the current economic climate, the Steering Group had to generate the funding by raising additional revenue from within the Departments represented on the Group.

Further, the Department noted the representations made by the Constables for St. Peter Port regarding the fee payable to them for preparing reports for the Royal Court. It accepted that the fees did not reflect the considerable time taken by all Parish Douzaines and Constables when preparing liquor licence reports. It therefore recommends that the scale of fees set out in Schedule 4 of the Ordinance should be amended as set out in Table 9 below. The representatives of the licensed trade indicated that the proposed increase in these fees were reasonable and reflective of the amount of work which was required in the preparation of the reports.

**(Table 9) Fees for Douzaine/Constables Reports**

<b>Type of Report</b>	<b>Current Fee £</b>	<b>Proposed Fee £</b>
Licence application	20	100
Licence renewal	Nil	Nil
Application for change to existing licence	20	100

Future licence fee increases will be made by Regulation of the Department, in line with the Policy Council's wish to introduced a streamlined approach across Departments regarding all types of licensing fees to ensure that they keep pace with inflation.

## **11. Application Process**

The Department recognises that its recommendations in respect of licence categories and conditions represent a major change in approach. Therefore, it also undertook a careful review of the application process for all licences.

The Department believes that the current application process should be re-structured with the following objectives in mind:

- (a) To ensure that all parties have sufficient time to prepare and consider the various reports; and
- (b) To afford the applicant an opportunity to prepare any response to a request for additional conditions.

However, it recognises that the process should not become overly bureaucratic or prolonged. It believes that by increasing the lead time for the hearing of applications by seven days it should be possible to balance these needs and also reduce the likelihood of



a matter being adjourned at the eleventh hour because of the need to further research a report received late.

The Department hopes that the good working relationship, which exists between the Greffe, the Police Licensing Department and licensees and their advocates, will continue and that this will facilitate pre-application hearing discussions regarding any request for additional conditions. It believes that such an approach would minimise any delays in processing applications.

The timescales for the application process are set out in Appendix 7.

## **12. Appeals Process**

Following consultation with the Royal Court and Her Majesty's Procureur, the Department recommends that applications for liquor licences should continue to be considered by the Royal Court, at least until an enabling Projet de Loi has been enacted, and full consideration given to whether, and if so how, an alternative licensing authority not being the Royal Court should be constituted.

Further, there is currently no appeal from the Royal Court against a liquor licensing decision. The Department proposes that under a new Ordinance there would be a right of appeal (for an applicant and, in certain circumstances, the Department) to the Court of Appeal, with leave, on a point of law.

## **13. Applications to Vary, Suspend or Revoke a Liquor Licence following a Breach of Licence Conditions**

The Department is conscious that many licensees have referred to the absence of evidence of licence suspensions as demonstrating that there were few problems with the operation of liquor licences. There are problems with some licensees and whilst the Department can request the Law Officers of the Crown to make an application to the Royal Court for a licence to be suspended, varied or forfeited or for Her Majesty's Greffier not to renew a licence, this provision has only been used where serious and on-going breaches have occurred.

The Department, in consultation with the Law Officers, recognises that a more proactive stance must be taken as this will serve to both:

- (a) Protect and support the licensees who ensure that their licence is exercised properly; and
- (b) Ensure that any errant licensee is dealt with appropriately.

Its discussions with representatives of the licensed trade showed unanimous support for this proposal. The licensed trade's view was that an errant licensee was far more likely to co-operate with the Department and the Courts if his licence was at a real risk of being amended, suspended or revoked. The Police, Fire and Rescue Service and parishes concurred with this view. An analogy was drawn to the care which the

motorist whose employment depends on him holding a driving licence, will take to ensure that he does nothing which could lead to it being suspended.

Such action will be considered in all cases where:

- (a) A licensee or his agent is convicted of an offence under the Ordinance or any other offence which would render him unsuitable to hold a liquor licence;
- (b) There has been a breach of one or more of the conditions of the licence;
- (c) Any other breach of the provisions of the Ordinance.

#### **14. Implementation of New Licensing Categories and Fees**

Following the withdrawal of the Report in July 2005, it is no longer feasible to introduce the proposed changes prior to December 2005, that is, in time for commencement on 1<sup>st</sup> January 2006. The Department has considered a number of options and has concluded that the timetable for progressing the proposals set out in this report could be based on an implementation date of 1<sup>st</sup> June 2006. It canvassed the views of Her Majesty's Greffier and the representatives of the licensed trade on the Working Group, the Bailiff and Jurats of the Royal Court and the Constables of St. Peter Port and the consensus view was that the proposed dates were realistic and should not present insurmountable transitional difficulties.

The Department concluded that, given one of the reasons behind this review was to address a number of concerns that had arisen following the 1993 and subsequent amendments to the Ordinance, the most prudent approach was not to rush the drafting and implementation of the proposed changes. Based on an implementation date of 1<sup>st</sup> June 2006 for any new liquor licensing regime, new legislation could be returned to the States for approval in January or February 2006, this would give the Department time to liaise with Her Majesty's Procureur, representatives of the licensed trade and other parties involved in the administration of licenses to ensure the provisions were drafted sufficiently robustly to minimise any future problems. Further, there would be enough time for the renewal and re-issuing of licences to be properly prepared and for the Royal Court to give each one appropriate consideration.

The transitional arrangements for existing licensees would be as follows:

- (a) All existing licensees will be required to renew their licences before 31<sup>st</sup> December 2005 in the usual manner and pay the current fee for the licence and any permits;
- (b) Before 1<sup>st</sup> February 2006 licensees would be required to apply for a new licence under new legislation. The Home Department will ensure that all licensees receive guidance notes and an application in advance of this date;
- (c) Between 6<sup>th</sup> February and 14<sup>th</sup> March 2006 the Police, Fire and Rescue Service, Environmental Health Service and Parish Constables will carry out their various inspections and submit their reports to the Licensing Department;

- (d) Before 21<sup>st</sup> April 2006 the Licensing Department will collate the reports and send a copy to the licensee or his advocate and to Her majesty's Greffier. The Licensing Department will include any recommendation for additional conditions which may be applied for based on the evidence within the various reports;
- (e) Her majesty's Greffier will notify the licensee of the time and date when the Royal Court will hear his application. All applications will be considered before 26<sup>th</sup> May 2005.

The granting of the new licence will be subject to payment of the balance of the licence fee and the inspection fee due to the Parish Constable. For example a premises currently holding a General Licence and Family Permit will be required to pay £600, that is the new fee of £750 less the £150 paid at the end of 2004, plus the £100 due to the Constables.

The timetable for the renewal of licence applications and the transitional arrangements are set out in Appendices 7 and 8.

#### **15. Other specific matters to be covered by new liquor licensing legislation**

The Department proposes that the Liquor Licensing Ordinance 1993, as amended is further amended or, preferably, (but depending upon the availability of legislative drafting resources and the allocation of legislative priorities for those resources) repealed and replaced by a new Ordinance implementing, in the timescales indicated, the changes proposed in this Report. In particular, whatever form any new liquor licensing legislation might take, it would address the following specific matters:

##### **(a) Named Premises Supervisor**

The Department recognises that the sale of alcohol, because of its impact on the wider community, carries with it a great responsibility. It is considered necessary that at all times there should be a trained, responsible person in charge of the licensed activities, during permitted hours.

While it is acknowledged that a licensee may have been assessed as being a suitably responsible person, staff may not always be similarly aware of the obligations of the licence. It is also acknowledged that it may not always be practical for the licensee to be on the premises at all times and the Department recognises that it is reasonable that other staff be left in charge of the premises at times. However, it is proposed that where the licensee is absent from the premises during permitted hours it is both reasonable and necessary that an identifiable and competent individual oversees the operation of the premises in the licensee's absence.

Further the need for the Police and the Fire and Rescue Service to be able to identify quickly the person who is in charge of the premises was recognised so that they can quickly and effectively deal with any concerns that they may have.

The Department proposes that when the licensee is not on the premises it will be a requirement that a trained “Named Premises Supervisor” is left in charge of the premises. It is proposed that all licensees and bar staff have appropriate training to recognise issues relating to:

- excessive alcohol consumption;
- identifying children and young people at risk;
- fire safety procedures; and
- the impact of drugs and violence on licensed premises.

**It should be emphasised that the responsibility for adhering to the licence conditions can never be delegated by the Licensee who remains ultimately responsible for the premises at all times.**

Training courses will be provided under the auspices of the Alcohol Strategy. It is envisaged that the course will be relatively short, probably one or two 2 to 3 hour sessions. The charge for the course is likely to be about £35 per person. In addition, courses will be run for experienced licensees to train as trainers. It is envisaged that representative groups such as the Guernsey Licensed Victuallers Association or Tourism and Hospitality Group and hotel groups, the Brewery, sports clubs, etc may wish to undertake the training “in-house”.

#### **(b) Alterations and Additions**

Section 16 of the 1993 Ordinance prescribes the circumstances in which the approval of the Royal Court is required to make alterations to licensed premises. The circumstances are limited and, to some extent, unclear. In summary, approval is required:

- (i) To increase the floor space available for the use of persons consuming intoxicating liquor on the premises;
- (ii) Where an alteration will result in concealment from observation of any part of the premises used for the sale, supply or consumption of intoxicating liquor; or
- (iii) Where an alteration affects communications between the licensed premises and any other premises or a public place.

The Department recommends that under any revised liquor licensing legislation, in addition to the circumstances when approval is required under the existing Ordinance, all structural alterations to licensed premises would need to be approved by the Royal Court.

It would also be necessary to obtain the approval of the Court for certain other additions and alterations to licensed premises not falling within the categories of alterations described in this part of the report. This is because of the effect of standard conditions, referred to in Section 8 of the current Ordinance and Appendix 4 of this report, relating to changes in access arrangements and customer sanitary facilities.

The consultation process raised the possibility of amending the provisions of the Island Development (Use Classes) Ordinance, 1991, as amended in order to link use of licensed premises to the precise nature of the licensing business being undertaken. Following officer-level discussions with the Environment Department it was accepted that this approach may present difficulties regarding defining the nature of certain licensed business. It was also noted that the current Use Classes Ordinance will be replaced by a new one following approval of new planning legislation. The Department proposes to liaise with the Environment Department whilst that new legislation is being drafted in order that any new relevant development controls reflect the objects of the new liquor licensing policy proposed in this Report.

**(c) Definition of “*Live entertainment and dancing*”**

The Department notes the request from the Royal Court for some guidance as to what arrangements for live entertainment and dancing upon licensed premises are such as to merit the grant of a nightclub permit. Under the provisions of the current Ordinance, there are no criteria identifying the circumstances in which it is appropriate for a permit to be granted. The Department proposes that under the provisions of any new legislation, it should have power by regulation to prescribe the criteria and considerations, which must be satisfied by an applicant, for a night club category licence, or taken into account by the Court, when the Court is asked to issue such a licence.

In this regard, the Department does not consider that the transmission of live sporting fixtures or concerts should justify the issue of a nightclub category licence, unless there is also provision for dancing. Other criteria which the Department would intend to prescribe include a requirement that any dance floor area should amount to at least 35 per cent of the total area of the licensed premises to which customers have access, that is, clear of tables, chairs and any other obstructions so that the whole area is available for dancing.

The Department believes that new liquor licensing legislation must provide for unequivocal compliance with a requirement for the provision of live entertainment and dancing such that, for example, where facilities for dancing are provided, those facilities should be provided continuously during extended hours save for the 15 minutes prior to closing. It is intended that “live entertainment” should not include any entertainment which is indecent or lascivious in nature.

**(d) Temporary Closure of Licensed Premises**

The Department believes that there is some merit in creating a power under new legislation enabling a member of the judiciary or, in cases of emergency when not reasonably possible to obtain a judge's order, the Chief Officer of Police, to order the temporary closure of any licensed premises. The power would only become exercisable in the event that temporary closure was in the “interests of public safety” - for example, in circumstances where serious violent or disorderly behaviour was taking place or likely to take place on the licensed premises concerned.

This power is not intended as a penalty for licensees, but underlines their social responsibilities, placing pressure on them to minimise anti-social behaviour on their premises which often occurs as the result of the excessive consumption of alcohol.

The Department noted that the Isle of Man has had a similar power for a number of years but that the Police had not had occasion to use it, as the power, in itself, appears to have a significant deterrent effect and ensures full co-operation between the Police and licensees to address disorder on licensed premises.

The decision to close licensed premises under this power would rest with a member of the judiciary. However, in circumstances of urgency, when it was not possible to contact a member of the judiciary or when there was an overriding operational need to act immediately to prevent serious physical harm or disorder, the Chief Officer of Police would have the power to issue such an order. The Chief Officer of Police will have the ability to delegate the power to an officer of the rank of Inspector or above.

The duration of such closure orders and the circumstances under which they could be used would be prescribed by Regulation of the Department. It is envisaged that such an order would only apply for the remaining period of any particular licensing period. For example if an order was made at 9.30 pm the licensee would be free to re-open his premises at the start of the following day's permitted hours.

Notwithstanding this immediate closure power, if it were desired for any reason to extend the period of closure, the Police would have to apply to the Royal Court (comprised for this purpose of the Bailiff sitting alone) for continuation of the closure order for a period of up to 14 days. It would rest with the Royal Court, on the application of the Department, to determine, having regard to all the circumstances, whether the liquor licence should be revoked or suspended, or conditions attached framed to prevent reoccurrence of the events leading to closure. That is, if the Police had reasonable grounds to believe that if the licensed premises was to reopen at the commencement of the next period of permit hours the same or similar problems were likely to occur the Chief Officer could make an application to the Royal Court to extend the closure for up to 14 days.

The Police would seek the co-operation of the licensee to close voluntarily the premises in such circumstances before issuing a closure order. A closure order would only be issued in the unlikely event that the licensee refused to co-operate. The licensee would be issued with a written notice of the closure at the time, or as soon as practicable after, the closure. The notice would include details of the circumstances for the closure, efforts to reach a voluntary agreement to close the premises and the officer or officers directly involved in the incident.

Further, where the Police were concerned that similar problems were likely to reoccur when the premises reopened they would be able to seek an extension of the order by presenting sworn evidence before the Bailiff.

#### **(e) States Gauger**

Section 36(2) of the 1993 Ordinance relates to powers of entry of Police Officers and the States Gauger.

The Department recommends that for clarity and consistency references to the “States Gauger” in the existing Ordinance should be replaced in any new licensing legislation by the expression “Chief Customs Officer” to reflect the terms used in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972 as amended.

Further, under new legislation it is recommended that the Chief Customs Officer, and any other person authorised by him, should have powers to seize spirits, which are believed to have been adulterated, and any equipment or paraphernalia associated with the adulterated spirits or their adulteration. A power should also be included for the Court to order forfeiture of adulterated spirits and equipment and paraphernalia seized, upon conviction of an offence.

## **16. Applications for Alfresco Licences and Licence Fees**

On the basis that the States approve the proposals for liquor licensing reform put forward by the Department, it is suggested that the opportunity is taken to make a minor amendment to the Public Highways (Temporary Closure) Ordinance, 1999, which provides for the grant of alfresco licences. Under the Ordinance, applications for alfresco licences must be made to the Royal Court sitting as a Full Court. Now that liquor licence applications are made to the Royal Court sitting as an Ordinary Court, alfresco licence applications should also be made to the Court sitting as an Ordinary Court. Such an amendment would be appropriate and assist with the efficient disposal of court business.

It is further proposed that fees for alfresco licences (which have remained unchanged since 1999) should be increased as indicated in Table 10 below:

**(Table 10)** *Alfresco licence fees*

<b>Application</b>	<b>Current fee - £</b>	<b>Proposed fee - £</b>
For grant of licence Court	100	250
Douzaines and Constables	20	50
For application to renew	100	250

## **17. Resources**

The Department doubts whether the proposed amendments will require permanent additional staff, although it may be necessary to employ an additional person on a temporary basis to support the Licensing Department during the transitional period, that is, for approximately six months.

The potential revenue from the increased licence fees is estimated at £220,000 per annum (based on the current number of licences). That is, sufficient income to fund the Alcohol Strategy (£153,000) and meet the costs of administering liquor licensing (£75,000). The costs of the Department’s Licensing Section are currently met from its general revenue budget.

## **18. Consultation with the Royal Court and Her Majesty's Procureur**

The Department has worked in close consultation with the Bailiff and members of the Royal Court, Her Majesty's Procureur and Her Majesty's Greffier throughout this review and the proposals for new legislation and the timetable for its implementation have their full support.

## **19. Conclusions**

The Department is very grateful to all those who have participated in the second consultation exercise and believes that the proposals in its redrafted Report demonstrate a positive outcome, which all the members of the licensed trade represented by the members of the Working Group, with the exception of some reservations expressed by the Guernsey Licensed Victuallers Association regarding the proposed fees for the Standard Licence and Under 18s Permit, feel able to support. The key aspect of the consultation has been that all sides have been willing to compromise to achieve an approach that is supported and therefore is likely to be successful in ensuring that the vast majority of law-abiding individuals are not disadvantaged unnecessarily because of the actions and conduct of a minority.

It has been agreed that the Working Group should continue to meet, probably twice a year, as a consultative group to review the impact of the changes proposed in this report and to discuss any changes in or concerns about the licensing trade. The Department believes that this approach will:

- (a) Ensure that the good working relationship which has been established between the Home Department and the licensing trade is maintained;
- (b) Serve to highlight areas of concern at an early stage, that is, before problems occur; and
- (c) Assist all parties in reducing the negative impact of alcohol-related anti-social behaviour.

## **20. Recommendations**

The Department recommends the States -

1. To approve the proposal for the preparation of an enabling *Projet de Loi* authorising the States, by Ordinance, to regulate all aspects of the sale, supply and consumption of intoxicating liquor, including the creation of a licensing authority (see paragraph 5);
2. To approve the proposals in relation to the designation by the Department of public places as areas in which intoxicating liquor may not lawfully be consumed (see paragraph 5);
3. To approve the proposals in relation to "exclusion orders" (see paragraph 5);



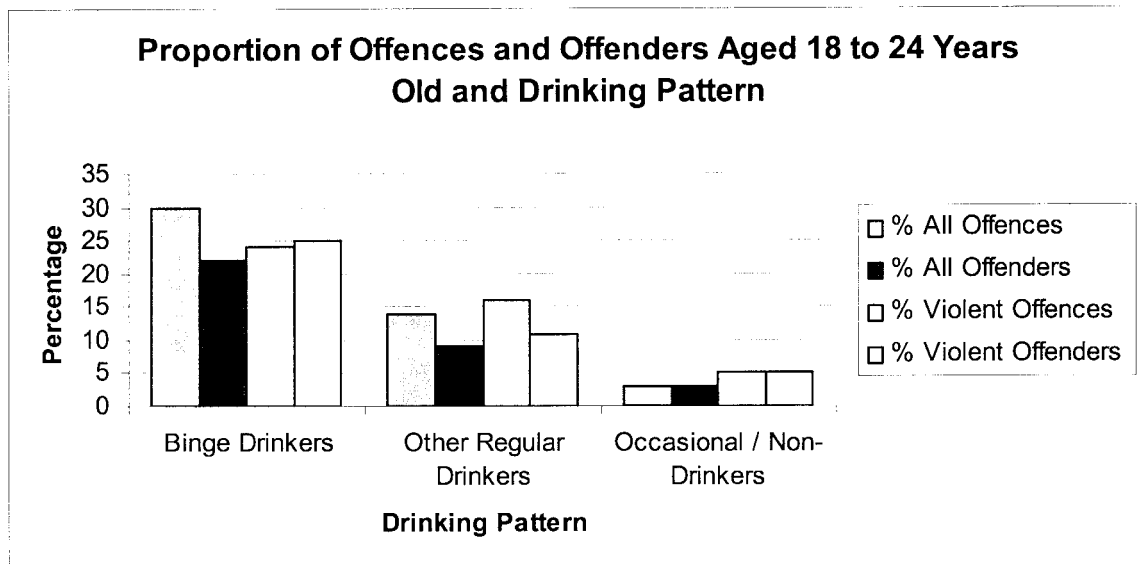
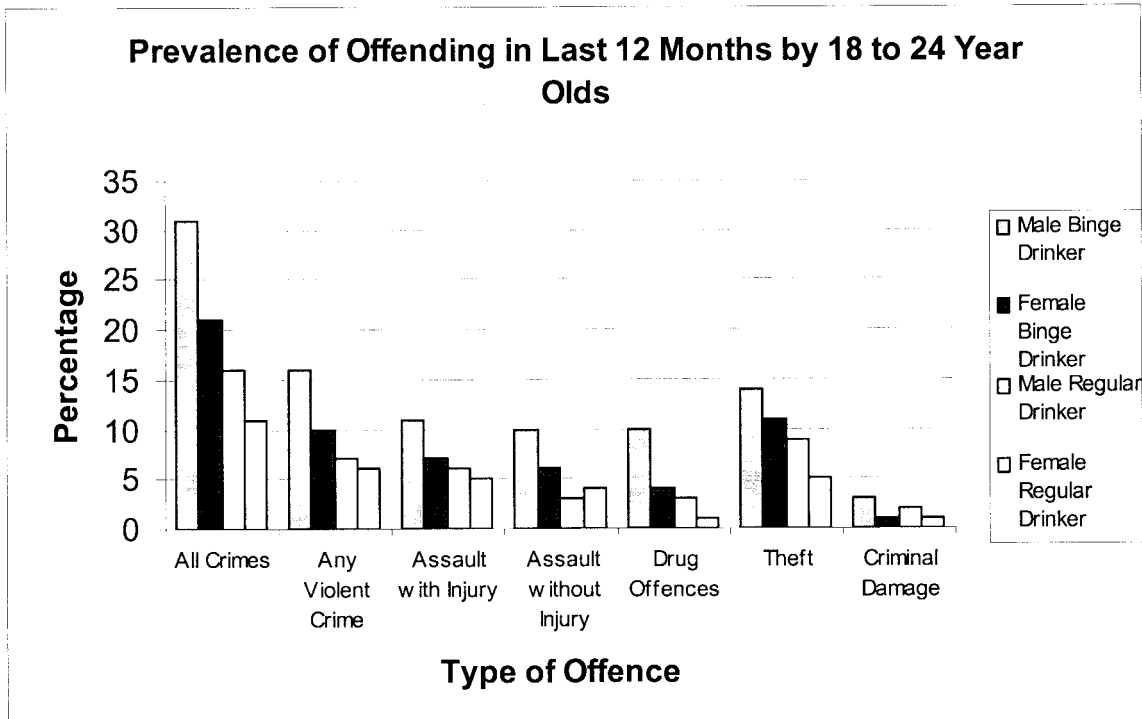
4. To approve the proposals for reform of Guernsey's liquor licensing regime, including amendment of the Liquor Licensing Ordinance, 1993, either by an amending Ordinance or its replacement by a new Ordinance, implementing the proposals set out in this report (see paragraphs 6 to 15);
5. To approve the proposals relating to the amendment of the Public Highways (Temporary Closure) Ordinance, 1999 in order:
  - (a) to enable the Royal Court sitting as an Ordinary Court to deal with applications for alfresco licences (see paragraph 16),
  - (b) to increase fees for alfresco licences (see paragraph 16);
6. To direct the preparation of such legislation as may be necessary to give effect to the foregoing.

Yours faithfully

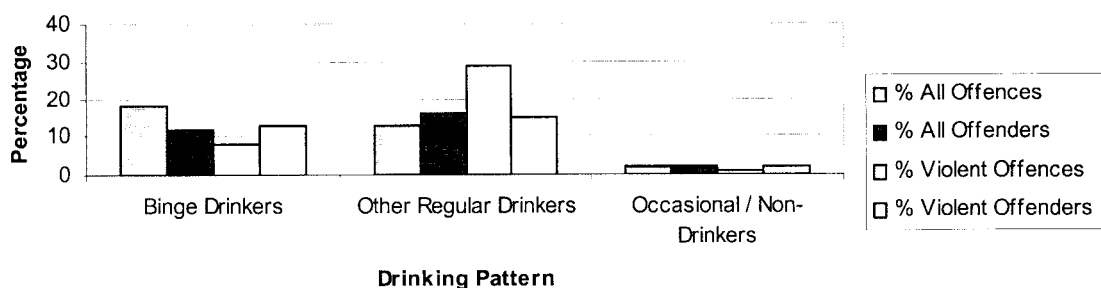
M W Torode  
Minister

## APPENDIX 1

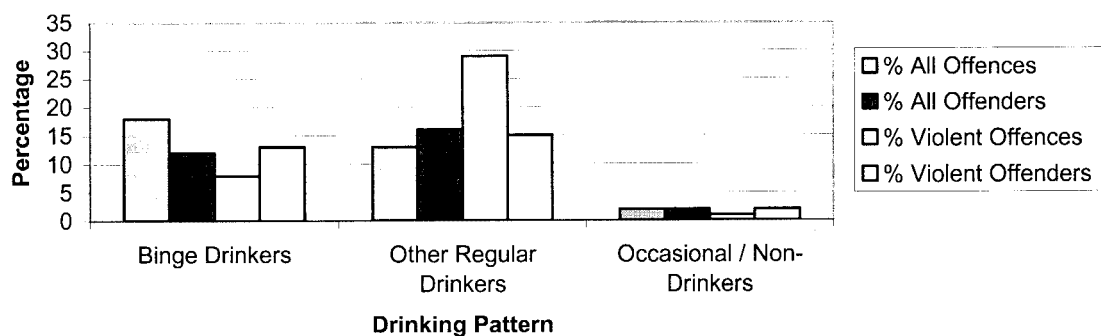
The following graphs are based on the findings of the UK Home Office 2003 Offending, Crime and Justice Survey and reflect the impact which drinking, in particular binge drinking amongst 18 to 24 year olds, has on offending patterns.



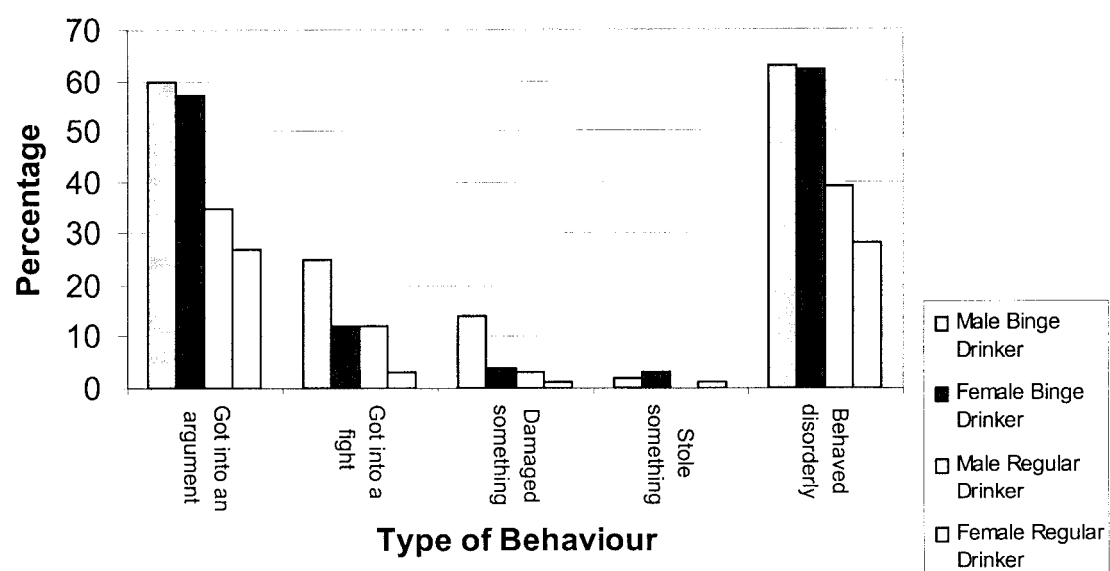
**Proportion of Offences and Offenders Aged 25 to 35 Years Old and Drinking Pattern**



**Proportion of Offences and Offenders Aged 36 to 65 Years Old and Drinking Pattern**



**Behaviour of 18 to 24 Year Olds After Drinking**



## **APPENDIX 2**

### **Working Party Membership**

#### **Home Department**

Deputy Quin – Deputy Minister, Home Department

Deputy Mahy – Member, Home Department

Mrs. Tasker – Member, Home Department & Junior Constable for St. Peter Port

#### **Representatives of the Licensed Trade**

Mrs C de Jersey – Chairman, Guernsey Licensed Victuallers Association

Mr. C Sharp – Chairman, Hospitality and Tourism Group, Chamber of Commerce  
(*joined in July 2005*)

Mr. T Hutchins – Manager (Managed Houses), Guernsey Brewery/Bucktrouts (*joined in July 2005*)

Mr. A Heyworth – Manager, Herm Island (*joined in July 2005*)

#### **Other Members**

Chief Inspector P Dowding – Guernsey Police

Deputy Chief N Acton – Guernsey Fire and Rescue Service

Mrs M Eggleston - Co-ordinator, Bailiwick Drug Strategy

**APPENDIX 3****Respondents to the First Consultation Exercise**

The Bailiff  
Deputy Bailiff  
HM Procureur  
Magistrates  
Jurats of the Royal Court  
HM Greffier  
Guernsey Licensed Victuallers Association  
Bucktrout Ltd  
Guernsey Brewery  
Guernsey Night Club Association  
Guernsey Hotel & Tourism Association  
Crime Prevention Panel  
St Peter Port Constables  
St Andrews Constables  
St Martin Constables  
Forest Constables  
Torteval Constables  
St Pierre du Bois Constables  
St Saviours Constables  
St Sampson Constables  
Castel Constables  
Vale Constables  
Environmental Health Services  
Chamber of Commerce  
Commerce and Employment Department  
Culture and Leisure Department  
Environment Department  
Education Department  
Treasury and Resources  
Health and Social Services  
Social Security Department  
Housing Department

The Department also received representations from various other individuals and organisations

**Respondents to the Second Consultation Exercise**

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The Bailiff  
Jurats of the Royal Court  
HM Procureur  
The Magistrates  
HM Greffier  
St. Peter Port Constables  
Hansa Foods  
Best Food Hall  
Sylvans Football Club  
St. Martins Football Club  
Guernsey Football Association  
Guernsey Table Tennis Association  
Sarnia Hotels  
Guernsey Brewery  
Bucktrout Ltd  
Le Chalet Hotel  
Hotel de Havelet  
Hotel Belle Luce  
Club 54  
Folies d'Amour Nightclub  
BarBados  
Forest Stores  
Movie Zone  
Deputy C McNulty Bauer  
Deputy S Ogier  
Guernsey Licensed Victuallers Association (representing the views of 50+ licensees)  
Hospitality and Tourism Group, Chamber of Commerce (representing views of 200+ various hoteliers and tourist attractions)  
Herm Island  
St. James Concert and Assembly Hall  
2 members of the public

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## APPENDIX 4

## STANDARD LICENCE CONDITIONS

## 1. On-Licence

- (a) Every licensed premises shall be closed for the sale or supply of intoxicating liquor at all times outside permitted hours;
- (b) No intoxicating liquor shall be sold unless the licensee or approved premises supervisor is present.
- (c) Any intoxicating liquor supplied shall only be consumed in an area designated on the plan for the premises, as registered with the Royal Court.
- (d) Any person under the age of 18 shall not be allowed on any licensed premises during permitted hours unless the premises also holds an Under 18 Permit allowing persons aged under 18 years to be on the premises during permitted hours.
- (e) The premises shall trade as a [*state purpose*] and shall apply, in advance, to the Royal Court for permission to change the primary purpose of its business; where a premises includes more than one function the designation of function shall be clearly shown on the plans registered with the Court.
- (f) The maximum number of people in the premises at any time during permitted hours is [*specify number*] and this maximum capacity must not be exceeded.
- (g) No person under the age of 18 years shall be employed in work in connection with sale or serving on the licensed premises<sup>14</sup>;
- (h) No unlawful activities, including the use or supply of illegal drugs, shall be permitted on the licensed premises;
- (i) No unlawful gambling shall be permitted on the licensed premises;
- (j) No indecency, disorderliness or drunkenness shall be permitted on the licensed premises;
- (k) Intoxicating liquor shall not be supplied to any of the following persons:
  - Persons under 18 years old;
  - Persons under the influence of alcohol;
  - Police officers in uniform.
- (l) No excessive noise shall emanate from the licensed premises;

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<sup>14</sup> This will not prevent persons under 18 years from collecting glasses on licensed premises.

- (m) No structural alterations or alterations to the layout of the licensed premises which affect any room in which intoxicating liquor is sold or any public area in those premises shall be made without the prior approval of the Royal Court;
- (n) Adequate arrangements shall be maintained at all times by way of precautions against fire and the safety of persons in the case of fire.

## **2. Off-Licence**

- (a) No intoxicating liquor shall be sold or offered for sale outside permitted hours;
- (b) No intoxicating liquor shall be sold unless the licensee or an approved premises supervisor is present.
- (c) Intoxicating liquor shall not be supplied to any of the following persons:
  - Persons under 18 years old;
  - Persons under the influence of alcohol;
  - Police officers in uniform.
- (d) No person under the age of 18 years shall be employed in work in connection with the sale of intoxicating liquor;
- (e) No indecency, disorderliness or drunkenness shall be permitted on the licensed premises;
- (f) No excessive noise shall emanate from the licensed premises;
- (g) No structural alterations or alterations to the layout of the licensed premises which affect any room in which intoxicating liquor is sold or any public area in those premises shall be made without the prior approval of the Royal Court;
- (h) Adequate arrangements shall be maintained at all times by way of precautions against fire and the safety of persons in the case of fire.



## APPENDIX 5

## JERSEY LICENSING FEES

Licence Category	Fee
<b>First Category</b> <i>("Taverner's Licence")</i>	£403 plus a fee of 98p multiplied by the maximum number of persons who may at any time be accommodated for reward on the premises (in these Regulations referred to as "the number of approved residents")
<b>Second Category</b> <i>("Residential Licence")</i>	A fee of 98p multiplied by the number of approved residents, with a minimum fee of £125
<b>Third Category</b> <i>("Restaurant Licence")</i>	£403
<b>Fourth Category</b> <i>("Comprehensive Licence")</i>	£1,005 plus a fee of £2 multiplied by the number of approved residents
<b>Fifth Category</b> <i>("Club Licence")</i>	£300
<b>Sixth Category</b> <i>("Entertainment Licence")</i>  (a) cinemas, theatres  (b) places of entertainment other than cinemas and theatres	£403  A fee of 98p multiplied by the number of persons mentioned in the permit for entertainment granted by the Bailiff in respect of the premises, with a minimum fee of £403

## APPENDIX 6

Performing Rights Society Fees**Standard charges for HOTELS:**

	<i>Annual Charge*</i>	<i>Equivalent Price per day</i>
Television in area with up to 30 seats	£90.82	£90.82 / 365 days = 25 pence
Radio in an area with up to 30 seats	£90.82	£90.82 / 365 days = 25 pence
Audio jukebox in an area with up to 30 seats	£181.66	£181.66 / 365 days = 50 pence

**Standard charges for PUBS & BARS:**

	<i>Annual Charge*</i>	<i>Equivalent Price per day</i>
Television in bar area up to 120 sq m	£59.91	£59.91 / 365 days = 16 pence
CD player in bar area up to 120 sq m	£149.80	£149.80 / 365 days = 41 pence
Audio jukebox, bar area up to 120 sq m	£175.92	£175.92 / 365 days = 48 pence

	<i>Price per session*</i>	<i>Price for one year's use</i>
Live music per session for the first 100 persons capacity	£6.84	£6.84 x 52 weeks = £355.68
Karaoke per session for the first 100 persons capacity	£6.84	£6.84 x 52 weeks = £355.68

**Standard charges for RESTAURANTS OR CAFES:**

	<i>Annual Charge*</i>	<i>Equivalent Price per day</i>
Television in area with up to 30 seats	£90.82	£90.82 / 365 days= 25 pence
Radio in an area with up to 30 seats	£90.82	£90.82 / 365 days = 25 pence
Audio jukebox in an area with up to 30 seats	£181.66	£181.66 / 365 days = 48 pence

**Standard charges for SHOPS AND STORES:**

	<i>Annual Charge*</i>	<i>Equivalent Price per day</i>
Background music in a shop space 201 – 300 sq. m.	£217.90	£217.90 / 365 = 60 pence
Portable radio only	£54.49	£54.49 / 365 = 15 pence

**Television Licence Fees****Hotels**

£126.50 annual fee for first 15 guest rooms

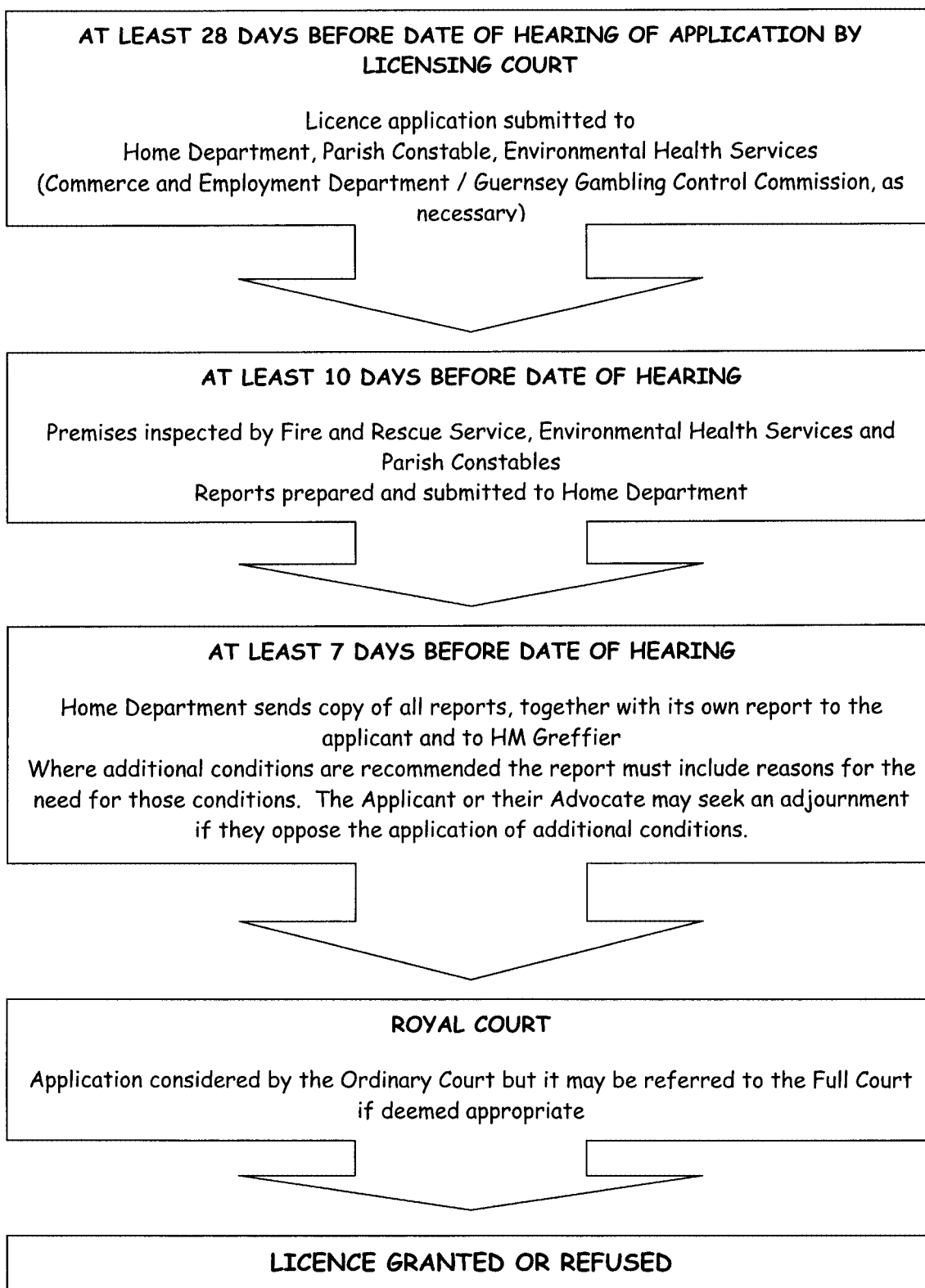
Plus £126.50 per 5 (or part thereof) additional rooms

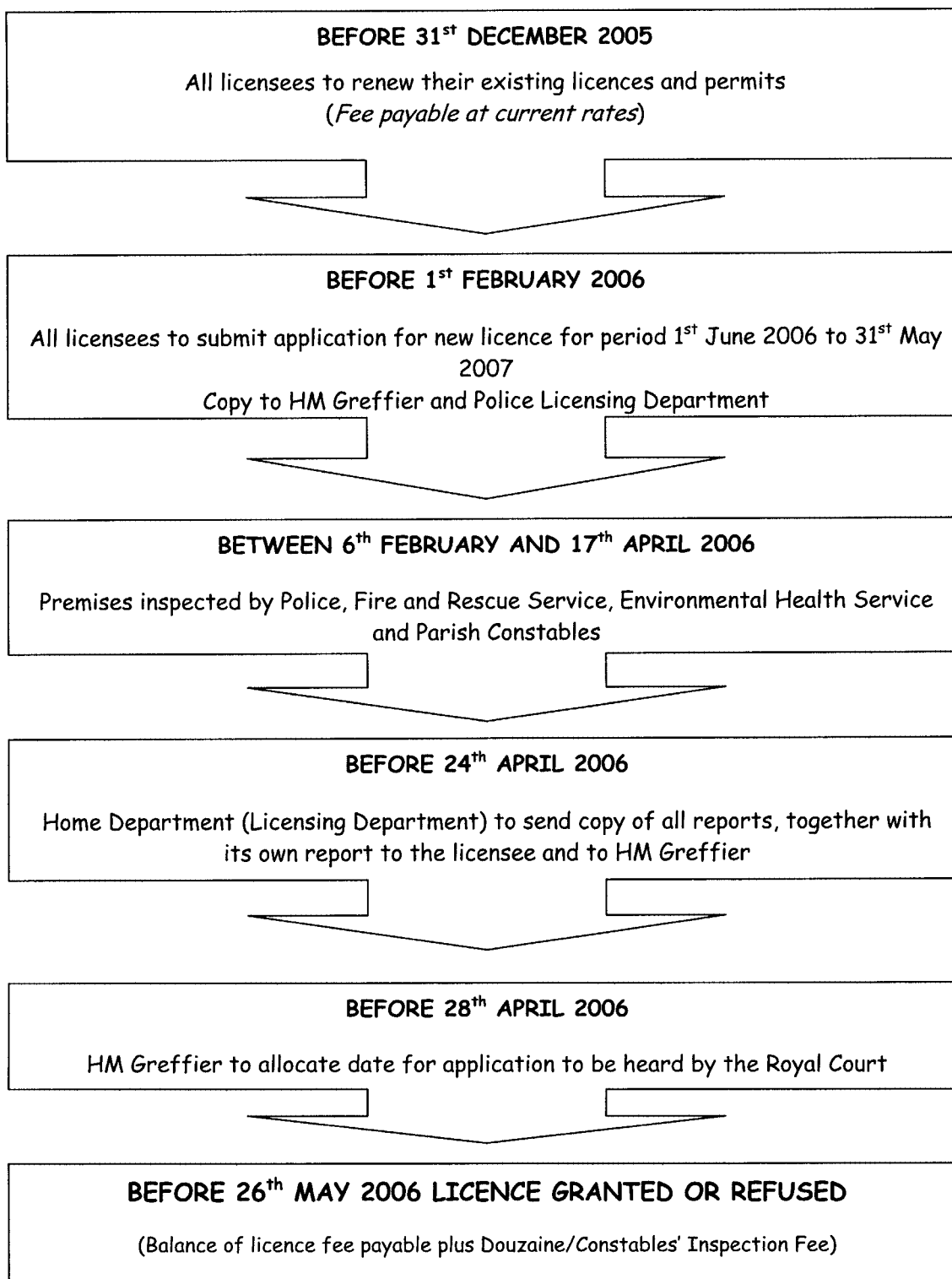
**Business Premises**

£126.50 per location (a public and lounge bar within the same premises will count as 2 locations)

Company Group Licence of £1,265.00 per annum to cover any number of televisions

It should be noted that these fees only cover the licensee for the televisions in the public areas, that is, he/she must purchase a separate licence for their living quarters.

**APPENDIX 7****LIQUOR LICENSING APPLICATION PROCESS**

**APPENDIX 8****TRANSITIONAL ARRANGEMENTS FOR EXISTING LICENSEES**

**(NB By a majority, the Policy Council supports the proposals)**

**(NB The Treasury and Resources Department supports the proposals)**

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 21<sup>st</sup> September, 2005, of the Home Department, they are of the opinion:-

1. To approve the proposal, as set out in paragraph 5 of that Report, for the preparation of an enabling Projet de Loi authorising the States, by Ordinance, to regulate all aspects of the sale, supply and consumption of intoxicating liquor, including the creation of a licensing authority.
2. To approve the proposals, as set out in paragraph 5 of that Report, in relation to the designation by the Home Department of public places as areas in which intoxicating liquor may not lawfully be consumed.
3. To approve the proposals, as set out in paragraph 5 of that Report, in relation to "exclusion orders".
4. To approve the proposals, as set out in paragraphs 6 to 15 of that Report, for reform of Guernsey's liquor licensing regime, including the repeal of the Liquor Licensing Ordinance, 1993, either by an amending Ordinance or its replacement by a new Ordinance implementing the proposals.
5. To approve the proposals, as set out in paragraph 16 of that Report, relating to the amendment of the Public Highways (Temporary Closure) Ordinance, 1999 in order:
  - (a) to enable the Royal Court sitting as an Ordinary Court to deal with applications for alfresco licences;
  - (b) to increase fees for alfresco licences.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## POLICY COUNCIL

### BAILIWICK ALCOHOL STRATEGY

*(This States Report differs from that included as Article II on Billet d'État VIII, consideration of which was withdrawn on the application of the Chief Minister, in that proposals to introduce legislation to reduce the permissible blood alcohol levels for drivers from 80mg/100ml to 50mg/100ml have been withdrawn and, because consideration of the Report was postponed, projected costs for 2005 have been omitted.)*

#### CHAPTER 1: EXECUTIVE SUMMARY

- 1.1 Anti-social behaviour has come under much public focus both locally and in the UK, and is a cause for concern. It is important to stress that the Bailiwick Alcohol Strategy is not about stopping people from enjoying an alcoholic drink; it is more about sensible drinking and reducing or preventing the anti-social behaviour, health risks and harm to the family that often goes with excessive drinking.
- 1.2 The Bailiwick Alcohol Strategy is developed from an original document entitled "The Need for A Guernsey Alcohol Strategy" produced by the former Board of Health (now Health and Social Services Department), Department of Public Health. There was wide ranging consultation and a steering group comprising key professionals who met together and directed the research.
- 1.3 In order for robust initiatives to take place, there needs to be a foundation on which to build them. The recommendations contained within this document represent such a foundation which can be developed over an 18-month period.
- 1.4 There are some areas of overlap with drug-related initiatives - particularly in the areas of treatment and education, and these are indicated within this document. It is proposed that the Alcohol Strategy would run in parallel with the Drug Strategy until the end of 2006, following which the two strategies would be amalgamated to form a Bailiwick Drug and Alcohol Strategy from 2007 onwards.



1.5 The aims of the Alcohol Strategy are ***“To change attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm”***, with the following early objectives:

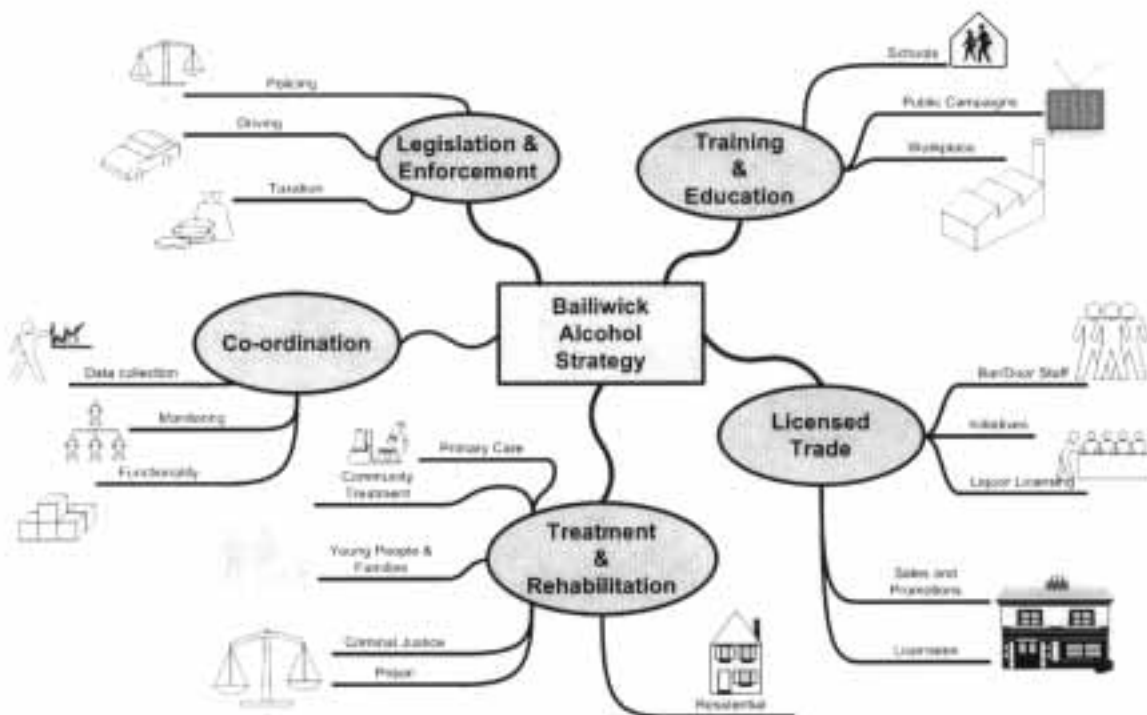
- The reduction of alcohol-related ill-health.
- The reduction of alcohol-related crime and disorder.
- The reduction of alcohol-related road accidents.
- The reduction of alcohol-related economic loss in the workplace.
- The reduction of the adverse effects of alcohol on social well-being.



1.6 There are five focus areas for the Alcohol Strategy:

- **LEGISLATION AND ENFORCEMENT** (comprising Taxation and Pricing, Driving and Policing).
- **TRAINING AND EDUCATION** (comprising Public, Schools and Workplace).
- **LICENSED TRADE** (comprising Bar/Door Staff, Sales and Promotions, Initiatives, Licensees, Liquor Licensing).
- **TREATMENT AND REHABILITATION** (comprising Primary Care, Community Treatment, Residential Facilities, Support for Non-changing 'Recidivist' Drinkers, Young People and Families, Criminal Justice, Prison, and GADAC).
- **CO-ORDINATION** (comprising Functionality, Monitoring and Data Collection).

1.7 Each of these focus areas contains a range of initiatives, legislative recommendations or in some cases, further research, designed to meet the objectives of the Strategy. The multi-agency working model of the Bailiwick Drug Strategy has enabled strong partnerships to develop, and as with the Drug Strategy, much of the work of the Alcohol Strategy is multi-agency, using the skills of a diverse workforce – both States and non-States - working together to achieve the aims.



- 1.8 It is necessary that those who supply alcohol take some responsibility for ensuring that they are not contributing to exacerbating alcohol fuelled anti-social behaviour. The Home Department Liquor Licensing Working Group and the Alcohol Strategy can work closely together to ensure that liquor licensing conditions reflect the needs of society, whilst enabling licensees to carry out their legitimate business, and for members of the public to enjoy a safe night out.
- 1.9 There are areas requiring further research, including the issues of late night transport initiatives and the introduction of alcohol consumption free zones, this overall aim being to make the Town area safer and trouble free for all.
- 1.10 It is also necessary to address the treatment needs of both problem drinkers who want to reduce or stop drinking, and the needs of recidivist drinkers who are caught in a recurring cycle of prison sentences. One area needing further investigation is in the development of addiction services for young people. Currently the situation can be confusing for young people in crisis, and frequently 16 – 18 year olds who need help find they are moved from one service to another. A service which covers both alcohol and drugs and caters specifically for the needs of young people is a priority need.
- 1.11 Targeted public information and awareness raising campaigns need to take place throughout the year to maintain focus on alcohol-related issues. Specific issues could be addressed – for example, drink driving, drinking in pregnancy, links with domestic violence and abuse etc. It is also worth reminding people that due to the disinhibiting effect of alcohol sexual behaviour may change, and unwise and unsafe sexual practices may occur – leading to potential exposure to sexually transmitted infections and unplanned pregnancy.
- 1.12 As so many of the key participants in the Alcohol Strategy hold a similar role in the Drug Strategy, it would make sense to have both strategies co-ordinated by the Drug Strategy Co-ordinator – with a title change to reflect this role. New partners would be included and welcomed in the delivery of the Alcohol Strategy.
- 1.13 There are approximately 310 licensed premises in Guernsey. An increase in the cost of a Liquor Licence sufficient to fully fund the Alcohol Strategy would mean that the significant profits made from the sale of alcohol would make a realistic contribution to addressing the issue of responsible drinking locally.
- 1.14 A list of the proposals, recommendations and costs are contained in Chapter 7.

**Contents**

Chapter 1	Executive Summary
Chapter 2	Legislation and Enforcement
Chapter 3	Training and Education
Chapter 4	Licensed Trade
Chapter 5	Treatment and Rehabilitation
Chapter 6	Co-ordination
Chapter 7	Summary of Proposals and Recommendations
Chapter 8	Appendices

## CHAPTER 2: LEGISLATION AND ENFORCEMENT

### 2.1 Taxation and Pricing

#### 2.1.1 Duty

The States of Guernsey can influence the price of alcohol through the level of Excise duty on alcohol products. The effect of price changes on overall alcohol consumption and individual drinking patterns has been extensively investigated, and while evidence consistently suggests that an increase in price may reduce consumption, estimates of the size of the effect and the effects on different population groups vary considerably.<sup>1</sup>

For example, some have suggested that young people are more sensitive to price changes than the population as a whole<sup>2</sup>, whilst others argue that an increase in price reduces cirrhosis mortality among dependent drinkers<sup>3</sup>.

An important scientific review of this issue concludes:

“Taxation of alcohol is an effective mechanism for reducing alcohol problems...the notion that heavy or dependent drinkers are immune to the influence of price is demonstrably incorrect. Put simply, but with entire scientific accuracy, alcohol taxation is a readily available instrument which can be applied to save lives and avert alcohol-related suffering.”<sup>4</sup>

A number of medical bodies recommend that alcohol tax is an important means of controlling alcohol problems. For example, the Royal College of Psychiatrists assert:

“Government taxation policies should be intentionally employed in the interests of health, to ensure that per capita consumption (of alcohol) does not increase beyond the present level and is by stages brought back to an agreed lower level.”<sup>5</sup>

In the context of Guernsey, it must be recognised that the Island is relatively wealthy, unemployment is low, and disposable income relatively high. Hence, it seems that increasing the price of alcohol as a means of reducing consumption may have little *immediate* effect.

An increase in Excise duty would be supported by research evidence, and the Social Policy Steering Group recommends Treasury and Resources to consider raising the rates of alcohol excise duty.

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<sup>1</sup> Scottish Executive Health Department 2001.

<sup>2</sup> Zhang and Casswell, 1999

<sup>3</sup> Cook, 1981

<sup>4</sup> G Edwards et al: Alcohol Policy and the Public Good, Oxford Medical Publications/WHO Europe 1994

<sup>5</sup> Alcohol – our favourite drug. Royal College of Psychiatrists 1986

**RECOMMENDATION:**

- **It is recommended that the Treasury & Resources Department be directed to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.**

It can be helpful to look at excise duty rates on alcohol in other areas. For example, the excise duty on small brewery beer is 21p per litre in Guernsey and Alderney and 34.36p per litre in Jersey. On spirits, the duty is £4.57 per litre in Guernsey and Alderney and £7.96p per litre in Jersey.

For a comparative list of Excise duty rates in Guernsey, Alderney, Sark, Jersey and the UK, see Appendix 1.

It had been considered that an increase in alcohol duty could be a way of financing the Alcohol Strategy. However, in light of the probable need to increase the duty on alcohol for fiscal reasons, an alternative funding strategy has been identified and is set out later in this report.

## 2.2 **Drink Driving**

### 2.2.1 **Enforcement of drink-driving laws**

In Guernsey (as well as the UK), the enforcement of drink-driving laws is reactive in that a driver may only be breath tested if s/he is involved in an accident, commits a moving traffic offence or the police have reasonable grounds for suspecting drink-driving (either prior to stopping a vehicle or having stopped it for another reason).

Roadside breath testing is currently taking place locally. Other proactive enforcement includes random breath testing (RBT), which evidence suggests can reduce overall and specifically alcohol-related fatalities, injuries and crashes<sup>6</sup>. This is because RBT works through deterrence as well as detection.

**RECOMMENDATION:**

- **It is recommended to continue to support and encourage police roadside breath testing initiatives.**

## 2.3 **Late night public transport**

The Bailiwick Alcohol Strategy consultation revealed widespread agreement that an improvement in late night public transport (both buses and taxis) could reduce the incidence of drink-driving (as well as improve community safety).

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<sup>6</sup> Peek-Asa, 1999; Clayton, 1997

Further research needs to be undertaken to investigate the viability of developing late night transport initiatives. Early consultations have shown some support for such measures.

The Social Policy Steering Group believes that any late night transport initiatives should provide a safe means of transport. However, it shouldn't be seen to be a means of encouraging people to get overly intoxicated and then using subsidised transport home. However, they agree that further research should take place.

#### **RECOMMENDATION:**

- **It is recommended to undertake further research into late-night transport initiatives, including costs.**

### **2.4 Driver Education**

Evidence from the UK suggests that drink-drivers with blood alcohol levels exceeding 150mg are likely to have serious alcohol problems and that half re-offend within 10 years: Indeed 12% of all those convicted re-offend<sup>7</sup>. This highlights the need for educational and rehabilitation courses for drink-drivers, particularly those with blood alcohol levels over 150mg or those who are repeat offenders. This was strongly and consistently advocated in the Bailiwick Alcohol Strategy consultation. Provision of such a course would mean that anyone who is banned from driving following a prosecution for drink driving would have to complete the course prior to having their driving licence reinstated.

One hundred and seventy-five of these schemes were piloted in the UK, offenders pay to attend the course and, on successful completion, have up to a quarter of their disqualification deducted. Results suggested a significant reduction in re-offending<sup>8</sup> and therefore the Drink-Drive Rehabilitation Scheme became permanent throughout the UK in January 2000. Evidence suggests that, on average, such programmes reduce recidivism and alcohol-related accidents by 7-9% compared to no rehabilitation<sup>9</sup>.

In 1999, GADAC published a document outlining a rehabilitation course for drink-drive offenders, based on a DETR-approved course run by Bromley Alcohol Advisory Service. This course could be delivered if the Courts had the legislative power and will refer offenders on the course.

The Environment Department has recommended developing a High Risk Offenders (HRO) scheme such as has been operating in the UK since 1990. A drink-drive offender who meets the criteria of the HRO scheme would have to reapply for their driving licence after disqualification and would only be granted it on successfully re-taking their driving test and having a positive medical

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<sup>7</sup> DETR 1998

<sup>8</sup> Alcohol Concern 1999

<sup>9</sup> Wells-Parker et al., 1995

examination. The independent medical advisor to the Environment Department has expressed concern that little consideration is currently given to the possibility that an individual may have an ongoing alcohol problem and therefore be a higher risk of re-offending. This measure would address that issue.

Such an initiative would tie in well with Drink Drive Education Orders and would be supported by the Social Policy Steering Group.

For new drivers qualifying for a driving licence, alcohol awareness is currently included as part of the theory test in order to reinforce the drink-driving message.

## **RECOMMENDATIONS:**

**It is recommended to:**

- **Initiate legislation that enables the Courts to impose Drink-Drive Education Orders on anyone who is banned from driving following a prosecution for drink driving.**
- **Endorse the development of a High Risk Offenders scheme by the Environment Department.**

### **2.5. Policing**

#### **Alcohol Consumption-Free Zones and Confiscation of Alcohol**

Alcohol consumption-free zones can be a useful tool in reducing anti-social behaviour associated with chaotic street drinking and reduce violence associated with the use of glasses and bottles as weapons. Such zones require that alcohol is not consumed in certain designated areas, and to surrender any alcohol to Police Officers. Such schemes have shown to be successful in many parts of the world.

In order to consider a similar scheme for Guernsey, there is a need to investigate further the need for a law to designate alcohol consumption-free zones in certain areas of the Island, with police powers to confiscate alcohol after a caution.

The Social Policy Steering Group did not reach a consensus on this subject, but were aware of ongoing research within the Home Department Liquor Licensing sub-group and were willing for further investigations to take place.

## **RECOMMENDATION:**

- **It is recommended to investigate the introduction of alcohol consumption-free zones and police powers to confiscate alcohol following a caution.**

## 2.6 **Test purchasing initiatives**

Concerns were expressed during the consultation process about the ability of young people under 18 to purchase alcohol. Test purchasing involves an under 18 volunteer (under Police guidance) attempting to buy alcohol. Such operations have been carried out for the sale and purchase of tobacco, and some of those consulted believe that a similar initiative could be undertaken for alcohol and consistently offending retailers could have their licence revoked.

### **RECOMMENDATION:**

- **It is recommended to consider introducing test-purchasing initiatives to highlight traders supplying to under age drinkers.**

### **Costs for Legislation and Enforcement Pillar.**

Although there may be costs relating to recommendations developed from investigations recommended, these costs will be reflected in the next Bailiwick Drug and Alcohol Strategy.



## CHAPTER 3: TRAINING AND EDUCATION

### 3.1 Public

Mass media campaigns may affect attitudes and behaviour as well as knowledge if undertaken in combination with other social controls and social action<sup>10</sup>. For example, the increasing social unacceptability and reduction in incidents of drink-driving in the UK can be attributed to a combination of high profile mass media campaigns with tighter enforcement of permissible drinking limits. Research also suggests that campaigns are more successful when they target specific situations such as drink-driving<sup>11</sup> and pregnancy<sup>12</sup> rather than general consumption levels.

#### RECOMMENDATION:

- **It is recommended to run ongoing campaigns involving local media, posters and leaflets, targeting particular high risk groups and situations, highlighting sensible drinking levels and the consequences of misuse, and to seek out free promotion and sponsorship where appropriate.**

### 3.2 Schools

Research into the efficacy of alcohol education in schools has proved inconclusive when attempting to demonstrate reduced consumption in young people. However, evidence suggests improvements in knowledge about alcohol, decision-making skills and self-esteem through personal and social skills<sup>13</sup> can affect young people's choices. In this way, alcohol education for young people in schools is a useful means of providing individuals with the ability to make informed choices.

GADAC currently employs an Alcohol Education Worker. This post has been funded by Lloyds TSB for the last three years – the funding will expire at the end of 2004.

The Fourth Guernsey Healthy Lifestyle survey (2003) shows that 47% of 18-24 year olds questioned drink alcohol on two or three days a week, and 32% of the same age group consume amounts above the recommended safe limits - see graphs at Appendix 1b.

Evidence from the Drug Strategy database shows that young people tend to take up drinking alcohol generally from the age of 13 (although some are younger). Concerns have been repeatedly expressed within the Drug Strategy Action Group about the need to engage and work with young drinkers outside formal education establishments. Also see 5.6.

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<sup>10</sup> Holder, 1994

<sup>11</sup> Murray et al., 1993

<sup>12</sup> Casiro et al., 1994

<sup>13</sup> Alcohol Concern/DrugScope, 2001)

A Youth Alcohol Worker could be appointed via a non-States agency to provide a combination of education and youth work roles which would provide targeted support for young people. The postholder would continue to deliver education sessions in schools and to develop informal work with young people out of school. Such a post could be put out for tender to interested parties.

The Social Policy Steering Group believes that evidence suggests that a full time post is required, and supports the recommendation. However, when a combined Bailiwick Drug and Alcohol Strategy is developed in 2007, all the education and youth work posts relating to both drugs and alcohol could be amalgamated allowing a more streamlined service with workers being able to deliver both drugs and alcohol interventions.

#### **RECOMMENDATION:**

- **It is recommended to provide funding for a Youth Alcohol Worker, appointed by a non-States agency to deliver targeted support and education for young people aged 14-25 years.**

### **3.3 Workplace**

Education can also be achieved in the workplace. Currently, GADAC may provide alcohol workplace policies when approached by a local company or organisation, but this tends to occur as a reaction to alcohol problems in the workplace rather than a proactive initiative. The Strategy consultation revealed widespread agreement that workplace policies may have the potential to prevent alcohol problems from developing, in that sensible drinking messages can be communicated to a large audience, and misuse may be identified in the early stages.

Furthermore, alcohol policies benefit the employer because alcohol misuse can cost a company a great deal financially: The Alcohol Concern and DrugScope workplace service reports that alcohol caused 14 million working days to be lost each year in the UK, amounting to 3-5% of all absences and costing employers £3 billion a year. The figures provided by the Social Security Department suggest that Guernsey employers also suffer costs from alcohol misuse in the workplace.

#### **RECOMMENDATION:**

- **It is recommended to increase the numbers of employers with effective alcohol workplace policies.**

**Projected costs for Training and Education Pillar**

	<b>2006</b>
Youth Worker for Alcohol	●29,000
Public Campaigns	29,300
<b>Total for T&amp;E pillar</b>	<b>58,300</b>

- Salaries element costed at April 2005 rates.

## CHAPTER 4: LICENSED TRADE

### 4.1 Bar/Door Staff

Increasing staff understanding about alcohol-related issues has shown to be of benefit in other areas (See Appendix 2).

A brief training course for bar staff which provides information and skills in managing conflict, alcohol education, safety and licensing law could be run from the College of Further Education. Issue of a licence to serve alcohol would be conditional on at least one member of bar staff on duty having successfully completed the training, and for such a person to be on the premises at any given time.

Further benefit would be gained by the GLVA (Guernsey Licensed Victuallers Association) sharing their experiences and skills at their monthly meetings, and to relay this information to bar staff.

The door staff registration scheme should be extended to include staff in pubs as well as clubs.

It needs to be highlighted and acknowledged that there is a staffing implication for the Police Service in extending existing training and registration schemes.

### **RECOMMENDATIONS:**

**It is recommended to:**

- **Introduce a 1-day course for bar staff. (Estimated cost £15 per person – to be met by the Licensee), and to ensure that a trained staff member is on the premises at any given time.**
- **Encourage GLVA members to share experience and practice.**
- **Extend the door staff registration scheme.**

### 4.2 Sales and Promotions

High prices for low alcohol and soft drinks (on licensed premises) were a recurrent area of concern during the consultation process. A reduction in the price of these drinks could contribute to the social acceptability of alcohol-free choices, as well as reducing overall alcohol consumption.

Discounts such as “happy hours” and cheap drinks promotions were also highlighted as encouraging fast, heavy drinking. Licensees should focus on improving service standards to increase custom rather than cutting prices. Licensing conditions preventing excessive discounting and responsible pricing could reduce the incidence of binge drinking and the associated physical and social harms.

Participants in the consultation suggested that awards could be given to bars that sold lower priced soft drinks, delivered high quality service and ceased cheap drinks promotions and “happy hours”.

## **RECOMMENDATIONS:**

### **It is recommended to:**

- **Introduce an award system for those licensed premises that deliver a high quality service, serve lower priced soft drinks and cease promotions that encourage binge drinking.**
- **Encourage bars and clubs to display information about safer drinking at the points of sale.**
- **Support the Liquor Licensing Working Group in introducing licensing conditions that ensure that promotions are responsible and do not encourage binge drinking.**

### **4.3 Initiatives**

All licensees should be encouraged to promote their commitment to the Guernsey Pubwatch scheme, taking advantage of the communication network between all licensees (a ‘round robin’ system) and police (increased visits to licensed premises), and to be involved in decisions concerning banning orders (and their cessation) against individuals who regularly create disorder.

Investigate further the possibility of utilising the “Prove It!” voluntary identification scheme for adults aged 18-25, introduced by the Portman Group in 1990 – or similar initiative, and encourage active promotion and rigorous enforcement by licensees.

In an attempt to reduce the number of “glassings” taking place in various parts of the UK, local councils have introduced the requirement that licensed premises use toughened glass as part of the licensing requirement – a similar scheme could be introduced locally.

For examples of these initiatives, see Appendix 2.

### **4.4 Licensees**

It is important that Licensees take responsibility for ensuring that their establishments support sensible drinking – this could be linked in with licensing conditions. Licensees could demonstrate how they would address issues such as the provision of facilities for children, proof of age, the provision and use of shatterproof vessels, bottle bans, CCTV and responsible drinks promotions. Also to ensure that trained, named individuals are on the premises at all times. A number of initiatives and recommendations have been made by the Liquor

Licensing Working Group, this group and the Alcohol Strategy plan to work closely together.

#### 4.5 **Liquor Licensing Working Group**

The Liquor Licensing Working Group would have an important role to play in monitoring and approving responsible Licensees, and where necessary making recommendations for legislation which will support the strategy, and so assist in the reduction of anti-social alcohol-related behaviour. A further role for this working group would be to monitor the impact of licensing hours on drinking patterns.

#### **RECOMMENDATION:**

- **It is recommended to continue to work with the Liquor Licensing Working Group in developing appropriate licensing conditions.**

#### 4.6. **Licence Costs**

At present, the cost of both an application and a renewal of a Liquor Licence is £100. There are approximately 310 licensed premises in Guernsey. An increase in the cost of a Liquor Licence sufficient to fully fund the Alcohol Strategy would mean that those who make significant profits from the sale of alcohol would make a realistic contribution to addressing the issue of responsible drinking locally.

Given that Treasury and Resources have taken the view that no new money can be made available to fund the Alcohol Strategy, the fees for Liquor Licensing are seen as a realistic alternative. To fully fund the Strategy would take up to 500% increase in fees. While this sounds excessive, the Social Policy Steering Group takes the view that applied to a licence for a supermarket, a busy pub or a restaurant, it does not represent an unreasonable contribution from the Licensed Trade towards the costs of dealing with the problems of alcohol abuse.

At the other end of the scale however, there may be small businesses/charities whose operations could be put in jeopardy if the cost of Licences rose to even a few hundred pounds. Therefore, instead of a blanket percentage increase, we believe the Home Department needs to restructure the fee scale in order to ensure that those making most out of the alcohol trade contribute proportionally to meeting the cost to the community of alcohol-related problems.

Unfortunately, because no new money is forthcoming from central sources, those recommendations contained in the Strategy which have revenue implications cannot be brought in immediately. Instead, they will have to wait until 2006 when the next tranche of Liquor Licensing receipts is available.

**RECOMMENDATION:**

- It is recommended to support the recommendations put forward by the Home Department to increase licensing fees to cover the cost of the Bailiwick Alcohol Strategy.

**Projected costs for recommendations in Licensed Trade Pillar**

	<b>2006</b>
“Good Bar Award”	5,000
Initiatives to deter binge drinking	5,000
<b>Total for Licensed Trade pillar</b>	<b>10,000</b>

## CHAPTER 5: TREATMENT AND REHABILITATION

### 5.1 Guernsey currently provides the following:

- Many Guernsey GP's collect and record information on alcohol consumption and new patients are offered a screening appointment with the practice nurse, which covers advice on alcohol consumption.
- In-patients are treated in the psychiatric admission ward at the Castel Hospital (35% of all discharged patients): Detoxification and counselling are provided.
- Out-patients may also attend the Castel Hospital: home detoxification and a weekly support group are provided.
- Day patients attend the Day Centre and Occupational Therapy departments at the Castel Hospital: Medication, individual and group therapy, family therapy, occupational therapy and social skills training are provided.
- The Silkworth Lodge Treatment Centre in Jersey provides an off-island treatment programme of 10-12 weeks.
- The Guernsey Alcohol and Drug Abuse Council (GADAC) is a non-statutory organisation that provides individual and group counselling and also a 6-bed rehabilitation dry house (Brockside).
- St Julian's House and Annex is funded by the Health & Social Services Department and offers care and residence to homeless individuals, a significant proportion of who are alcoholic but willing to stay dry.
- Alcoholics Anonymous and Alanon are voluntary support groups that encourage abstinence and provide support to people with alcohol problems and their families.

### 5.2 Primary Care

There are no consistent procedures of screening patients for alcohol problems nor of performing brief interventions in the primary care and hospital settings. There is a large gap in support services for those individuals who cannot or will not stop drinking. Finally, there is also room to improve support within the workplace, particularly in terms of maximising access to treatment.

Minimal interventions are short sessions that may be given by primary health care staff (usually involving assessment, information and advice). The advantages of the primary health care setting for this response include avoiding the stigma of specialist alcohol mental health services, and the fact that excessive drinkers suffer more ill health than others and hence are more likely to make more than average use of health facilities. Brief treatments refer to one or a few specialist counselling sessions.



There is now extensive research evidence that minimal interventions and brief treatments targeted at excessive drinkers identified by screening in primary care and hospital settings can significantly reduce consumption (by over 20%) over extended periods (e.g. 12 months) at a low cost.

## **RECOMMENDATIONS:**

**It is recommended to:**

- **Encourage consistent screening procedures and minimal interventions in the primary care and hospital setting.**
- **Provide training to primary care and hospital workers to enable them to use screening tools and provide minimal interventions.**

### **5.3 Community Treatment**

There are currently some gaps in the provision of treatment and support locally -- particularly for under-18's who have alcohol problems or who are the children of problem drinkers.

Early identification, intervention and referral are required for this group of young people in order to prevent longer term problems developing. This could be addressed in training courses for key staff.

In relation to longer term specialist treatment, there is no specialist alcohol unit. Similarly to the drugs issue, concerns were expressed about the appropriateness of treating those with alcohol problems in a mental health setting alongside people with mental health problems. A community based treatment service is in the process of being set up for drugs, which could incorporate alcohol. However, there is no full time Consultant Psychiatrist dedicated to addiction services, as is the case in Jersey and the Isle of Man. This results in a somewhat piecemeal service as the current psychiatrist has many areas of responsibility and is unable to give the time required for the development of addiction services. A full-time Psychiatrist with specialist training could be designated for having responsibility for addictions services as part of their general psychiatric role.

The needs of the under-18's, and the needs of the children of problem drinkers should also be addressed. A specialist service could be run in conjunction with the adult service, but at separate times and with specialist sessional staff who are skilled and qualified to work with this age group.

## RECOMMENDATIONS:

It is recommended to:

- **Designate a Consultant Psychiatrist with specialist knowledge to deliver addictions services – part of a full time post for general psychiatry.**
- **Amalgamate drug and alcohol community based treatment services for adults to form a Community Drug and Alcohol Team (CDAT).**
- **Develop addiction services for young people, to include those with multiple needs (e.g. dual diagnosis of alcohol dependence and mental health problems/drug problems).**
- **Ensure that early identification, referral and intervention occurs in the case of young people who have problems with alcohol or are the children of problem drinkers.**

### 5.4 Residential Facilities

Since early 2004, the residential service at Silkworth Lodge in Jersey has been used, with protocols developed for referral and placement. However, local professionals continue to express concern that no local facility exists – and with the increasing demand for places for both drug and alcohol residential placements it may be more cost-effective and beneficial in the long term to have such a facility locally. This would enable residents to continue their recovery on discharge back to the community more easily than at present. Further research needs to be undertaken to ascertain the cost-effectiveness and social benefits of such a measure.

Treatment costs:

From 2002 to June 2004 a total of 27 clients have attended out of island treatment at Marchwood Priory or Silkworth Lodge.

A total of 2650 treatment days occurred at a cost of £418,908 (£15,515 per person).

For those people who go off-Island for residential rehabilitation, problems frequently occur when they return to Guernsey. An individual who may have been able to remain alcohol or drug free whilst in a closed and supportive environment generally finds it difficult to maintain this on their return home, where the environment, friends and temptations remain the same as before. Providing recovering users with ongoing support, treatment and coping skills in their own environment offers a greater chance of success in remaining drug and/or alcohol free.

**RECOMMENDATION:**

- **It is recommended to carry out further research to ascertain the cost-effectiveness and social benefits of developing a local residential rehabilitation facility.**

### 5.5 **Support for non-changing “recidivist” drinkers**

The strategy consultation demonstrated a strong and consistent concern over the lack of support for the relatively small group of chronic, non-changing recidivist drinkers or “habitual drunkenness offenders” who present an on-going unresolved problem to the criminal justice system.

The need to provide support for these types of individuals has received increasing recognition in many places over recent years in the UK and Jersey – see Appendix 4 for a solution offered in Jersey. The various options need to be researched and explored in order to find the best solution for Guernsey.

**RECOMMENDATION:**

- **It is recommended to research and develop interventions and services specifically aimed at recidivist drinkers.**

### 5.6 **Young People and Families**

It is important to acknowledge the need to reach young people outside the formal educational context, and in particular those who have been excluded and may be at high risk of alcohol misuse.

The recommendation in 3.2 (Training and Education) to provide funding for a youth worker to carry out youth work and educational work would support this area of work.

Support for families of problem drinkers is another important area where developments are required. Encouragement should be given for setting up family-led self-help groups as well as more formal initiatives through Health & Social Services Family Centres.

**RECOMMENDATION:**

- **It is recommended to consider the development of self-help and other supportive initiatives through community groups and the Health and Social Services Department.**

### 5.7 **Criminal Justice**

The consultation revealed widespread agreement that there is a need to expand access to alcohol services in the Guernsey criminal justice system. The Police, Courts, Probation Service, Prison, Social Services and alcohol services can all

join in partnership to help individuals to address their alcohol problems and modify their offending behaviour.

These interventions to divert alcohol-related offenders into treatment and support rather than repeatedly into the criminal justice system aim to minimise harm to both the individual and the community as a whole, by reducing the number of alcohol-related crimes.

#### 5.7.1 Arrest Referral/Early Intervention

An individual arrested for an alcohol-related offence can be offered either written information about alcohol services while in police custody or access to an advice worker. See Appendix 4 “Get it While You Can”. In the UK, it has been found that those offenders who are arrested for violence are likely to be younger and not dependent on alcohol – thus not in need of extensive alcohol treatment. This group does have issues which need to be addressed, and this can be carried out using brief interventions and onward referrals to other agencies.<sup>14</sup>

The Drug Strategy is developing an arrest referral scheme in a partnership between the Police Service and the Criminal Justice Drugs Service. Alcohol-using offenders who meet specific criteria could be incorporated into this scheme, thus saving on staffing costs and making the service less fragmented.

#### 5.7.2 Courts

Participants in the consultation tended to agree that the Royal, Magistrates and Juvenile Courts could consider the value of non-custodial sentencing options, involving education and treatment orders possibly with reduced fines, more frequently than they currently do. Where bail is granted, a condition of bail can be that the offender’s drinking is assessed and a course of action drawn up.

#### 5.7.3 Probation Service

As well as intervention at the point of arrest or Court appearance, offenders with alcohol problems may be targeted when in contact with the Probation Service. The Guernsey Probation Service has contact with individuals appearing in Court (particularly those who have been held in custody overnight), individuals for whom the Court has requested a Social Enquiry Report<sup>15</sup>, individuals under statutory supervision, and all offenders in Prison. During this contact, each individual’s problems and needs (which may be alcohol-related) are assessed and objectives are set to modify their behaviour, which may include addressing their alcohol problems.

Probation Officers may also use their links with GADAC, AA and the mental health services. These services can assess an offender on behalf of the Probation Service and suggest an action plan, which may be included in the Social Enquiry Report. The Probation Officer can recommend that the Court includes, as a

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<sup>14</sup> “Alcohol Harm Reduction Strategy for England” – Cabinet Office

<sup>15</sup> Social Enquiry Report - A document designed to assist the Court with sentencing

condition of a Probation Order, that the offender must attend group or individual alcohol counselling for a number of weeks.

#### 5.7.4 Criminal Justice Drugs Service

The Criminal Justice Drugs Service is a Drug Strategy funded partnership between the Probation Service and Drug Concern and has been running since October 2002. This service offers a more seamless approach with agencies working together with the service user to provide an individually tailored package of interventions.

Alcohol using offenders who meet specific criteria could benefit from the intensive interventions that are carried out as part of the Criminal Justice Drugs Service. A pilot project could be initiated to ascertain the feasibility of whether such an intervention would work with alcohol using offenders.

It would make sense from both financial and cohesion viewpoints to amalgamate the service for both drug and alcohol users, and to integrate this with Arrest Referral. Extra funding would need to be allocated to allow for the increase in workload and management, but most of the costs could be absorbed through existing Drug Strategy funding.

#### **RECOMMENDATION:**

- **It is recommended to carry out a pilot project with alcohol using offenders using similar methods as the Criminal Justice Drugs Service and to continue to develop an Arrest Referral Scheme for drug and alcohol users.**

#### 5.7.5 Prison

Currently, individuals in prison for alcohol-related offences may be offered assessment, alcohol education, individual/group counselling and after care by GADAC; they can also be referred to AA.

Drug Concern also carries out a range of work in the Prison offering similar initiatives for drug offenders.

This is another area which could be amalgamated with drugs work.

A Drug and Alcohol Worker could be available to work in the prison to carry out assessments and offer a range of interventions for prisoners with drug and alcohol problems. Interventions should include group and individual counselling, support and motivational work, anger management and other coping skills and drug and alcohol education. This post should also ensure that effective ongoing care and service access is available on release from prison. This initiative would be partly funded through the Drug Strategy budget.

Discussions with the Prison and Probation Service show that this initiative would be encouraged and would be seen as a valuable addition to ongoing work with offenders.

The worker could be managed by a non-States agency, but with clearly defined links with the Probation Service and Prison healthcare. The full-time post would replace existing sessional work carried out by Drug Concern and GADAC.

#### **RECOMMENDATION:**

- **It is recommended to provide funding for a full-time Drug and Alcohol Worker to deliver a range of interventions based in the Prison, and to liaise with Probation, Health and other relevant agencies. (This will be an outsourced post, and would be partly funded from the Drug Strategy.)**

#### **5.8 GADAC**

The Guernsey Alcohol and Drug Abuse Council is a voluntary organisation providing support, advice and counselling for people who are experiencing problems with either their own or a significant other's alcohol problem.

The service has a 6 bedded Rehabilitation Dry House, Counselling Rooms, Offices and is situated in a building at the top of The Grange.

It is funded from three major sources; a grant from the States, which is administered by Health & Social Services Department, the rents from the Rehabilitation Dry House and partnership with various organisations on the Island, including fund raising and charitable donations.

GADAC has a number of staff working for it; a full time Director, a full time Alcohol Education Worker, a part time Secretary, a sessional Bereavement Counsellor and Volunteer Counsellors.

GADAC has an average bed occupancy in Brockside Rehabilitation Dry House of 3 to 4 residents at any one time and sees over 100 new clients every year. This figure has remained constant for the last 5 years.

GADAC will see approximately 30-40 people a week for either advice or one to one counselling sessions. It also provides assessment and counselling in the States Prison, which at the moment is being provided by the Director.

In order to develop the service more fully, and to ensure that its staff are paid at a level commensurate with their duties and responsibilities, an increase in core funding would be required.

**RECOMMENDATION:**

- It is recommended to increase the core funding for GADAC to enable the development of the counselling and advice service and appropriate administrative support.

**Projected costs for recommendations in Treatment and Rehabilitation Pillar**

	<b>2006</b>
Training for professionals	With Drug Strategy budget
Integrated Community Treatment	With Drug Strategy budget
Funding for GADAC	●58,700 (10,200 req'd) (reduce H&SS budget by 48,500)
Development of family support networks	5,000
Substance misuse worker in Prison	●33,000 (15,000 req'd) (includes 18,000 from existing Drug Strategy funding)
Amalgamate Criminal Justice Drugs and Alcohol Services	43,000 (10,000 req'd) (includes 33,000 from existing Drug Strategy funding)
Develop specialist treatment services for under 18's	38,000
<b>Treatment and Rehabilitation – Cost</b>	<b>●177,700</b>
<b>Net Funding required</b>	<b>78,200</b>

- Salaries element costed at April 2005 rates.

## CHAPTER 6: CO-ORDINATION

### 6.1 Functionality

Much of the work of the Alcohol Strategy can be combined with existing Drug Strategy work. The Chief Officers and Action Groups already have key participants in their membership.

It would make sense from both a financial and co-ordination viewpoint to have both strategies co-ordinated by the Drug Strategy Co-ordinator – with a title change to Bailiwick Drug and Alcohol Strategy Co-ordinator.

#### RECOMMENDATIONS:

It is recommended to:

- **Have the Drug and Alcohol Strategies co-ordinated by the Drug Strategy Co-ordinator.**
- **Allocate responsibility for the strategy delivery to the Chief Officers Drugs Strategy Group – increasing membership if needed.**
- **Include alcohol as part of the work of the Action Group – including extra members as required.**
- **Develop the work of the Action Group to include research and steering sub-groups.**
- **Amend the names of the groups and job titles to reflect the inclusion of alcohol.**

### 6.2 Monitoring the Progress of the Bailiwick Alcohol Strategy

The progress of the Alcohol Strategy will be monitored in terms of the extent of the reduction in alcohol-related harm and the improvements to alcohol treatment and support services. There are currently effective pockets of data collection that must continue to effectively measure aspects of alcohol-related harm, but there are also areas of data collection that need to be improved, detailed below.

#### 6.2.1 Health & Treatment Data

- Annual alcohol-related deaths to continue to be recorded.
- Potential years of life lost from alcohol-related disease continue to be calculated.
- GADAC to improve data collection, including reporting to the existing drug misuse database (which will be amended to include alcohol).



- Health & Social Services Department to continue to collect data on inpatients, outpatients and day patients.
- Off-Island placements to be recorded and a measure of success to be established.
- Primary care workers (G.Ps and in a hospital setting) to be encouraged to undertake consistent screening procedures and record the resultant data.

#### 6.2.2 Criminal Justice Data

- Police to continue recording incidents (as in the statistical digest) and to improve recording of crimes where alcohol is a contributory factor.
- Police to continue recording drink-drive convictions, and details of the offenders.
- Police to increase visits to licensed premises and to improve the recording of visits.
- Probation Service to consistently record data on arrests, convictions and alcohol education of supervised clients.
- Prison to collect data on prisoners with alcohol problems (e.g. demographic information, education, treatment, referrals).
- Youth Justice Team to continue collecting data on juvenile offences involving alcohol.
- The Courts to improve data collection of alcohol-related convictions.

#### 6.2.3 Workplace Data

- Monitor the number of employers with alcohol policies.
- The Social Security Department to continue to record days paid in Invalidity Benefit and Sickness Benefit, and to continue recordings of Benefits received where alcohol is openly declared by the certifying medical practitioner to be a contributory factor.

#### 6.2.4 Population Data

- Continue regular surveys measuring awareness of sensible drinking guidelines and campaigns.
- Continue use of existing surveys that measure self-reported patterns of alcohol consumption.

- Guernsey Customs to continue to estimate per capita alcohol consumption.

All the resultant data from these information sources needs to be collated into an alcohol use database. The Co-ordinator will be responsible for updating and monitoring the database, which will enable comparisons of data within and between data sources. This can be used for monitoring the progress of the Alcohol Strategy in annual progress reports.

### 6.3 **Quality**

It is vital that our alcohol services are of an appropriate standard for a community this size. It is recommended, therefore that all new and existing alcohol services adhere to an appropriate standards framework – such as QuADS (Quality in Alcohol and Drug Services) – which is viewed as the benchmark in quality service delivery.

Quality can also be monitored by the Commissioning Officer and through the use of external service audit provision – as currently used for the drug strategy.

## **RECOMMENDATIONS**

### **It is recommended to:**

- **Continue to collect and develop information gathering initiatives.**
- **Ensure that alcohol services are monitored and evaluated to show that they are operating in line with best practice.**

### **Projected costs for recommendations in the Co-ordination Pillar**

	<b>2006</b>
Employ QuADS standards for alcohol services	Existing Drug Strategy budget
Integrate alcohol information into drugs misuse database	4,000
Research and development within the Action Group	3,000
<b>Total for Co-ordination Pillar</b>	<b>7,000</b>

## CHAPTER 7: SUMMARY OF PROPOSALS AND RECOMMENDATIONS

Pillar	Proposal/Recommendation	Lead Department
LEGISLATION & ENFORCEMENT	Treasury & Resources Department to be directed to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.	Treasury & Resources/Home
	Continue to support and encourage police roadside breath testing initiatives.	Home
	Undertake further research and encourage late-night transport initiatives, including costs.	Home/ Drug & Alcohol Strategy Environment
	Initiate legislation that enables the Courts to impose Drink-Drive Education Orders on anyone who is banned from driving following a prosecution for drink driving.	Home
	Endorse the development of a High Risk Offenders scheme by the Environment Department	Environment
	Investigate the introduction of alcohol consumption-free zones and for police powers to confiscate alcohol following a caution.	Home
	Consider introducing test-purchasing initiatives to highlight traders supplying to under age drinkers.	Home
TRAINING & EDUCATION	Run ongoing campaigns involving local media, posters and leaflets, targeting particular high risk groups and situations, highlighting sensible drinking levels and the consequences of misuse, and to seek out free promotion and sponsorship where appropriate.	Home/Drug & Alcohol Strategy

	Provide funding for a Youth Alcohol Worker, appointed by a non-States agency to deliver targeted support and education for young people aged 14-25 years.	Home/Drug & Alcohol Strategy Outsourced post
	Increase the numbers of employers with effective alcohol workplace policies.	Home/Drug & Alcohol Strategy H&SSD/Health Promotion Unit
LICENSED TRADE	Introduce a 1-day course for bar staff. (Estimated cost £15 per person – to be met by the Licensee), and to ensure that a trained staff member is on the premises at any given time.	Home
	Encourage GLVA members to share experience and practice.	Home/ Drug & Alcohol Strategy
	Extend the door staff registration scheme.	Home
	Introduce an award system for those licensed premises that deliver a high quality service, serve lower priced soft drinks and cease promotions that encourage binge drinking.	Home/Drug & Alcohol Strategy H&SSD
	Encourage bars and clubs to display information about safer drinking at the points of sale.	Home/Drug & Alcohol Strategy
	Support the Liquor Licensing Working Group in introducing licensing conditions that ensure that promotions are responsible and do not encourage binge drinking.	Home
	Continue to work with the Liquor Licensing Working Group in developing appropriate licensing conditions.	Drug & Alcohol Strategy/Home
	Support the recommendations put forward by the Home Department to increase licensing costs to cover the cost of the Alcohol Strategy.	Home

TREATMENT & REHABILITATION	Encourage consistent screening procedures and minimal interventions in the primary care and hospital setting.	H&SSD
	Provide training to primary care and hospital workers to enable them to use screening tools and provide minimal interventions.	H&SSD
	Designate a Consultant Psychiatrist with specialist knowledge to deliver addictions services – part of a full time post for general psychiatry.	H&SSD
	Amalgamate drug and alcohol community based treatment services for adults to form a Community Drug and Alcohol Team (CDAT).	H&SSD
	Develop addiction services for young people, to include those with multiple needs (e.g. dual diagnosis of alcohol dependence and mental health problems/drug problems).	H&SSD
	Ensure that early identification, referral and intervention occurs in the case of young people who have problems with alcohol or are the children of problem drinkers.	H&SSD
	Carry out further research to ascertain the cost-effectiveness of developing a local residential rehabilitation facility.	H&SSD
	Research and develop interventions and services specifically aimed at recidivist drinkers.	Home (Drug & Alcohol Strategy) H&SSD
	Consider the development of self-help and other supportive initiatives through community groups and Health and the Social Services Department.	Home (Drug & Alcohol Strategy) H&SSD

	Carry out a pilot project with alcohol using offenders using similar methods as the Criminal Justice Drugs Service and to continue to develop an Arrest Referral Scheme for drug and alcohol users.	Home/Drug & Alcohol Strategy (Outsourced post)
	Provide funding for a full-time Drug and Alcohol Worker to deliver a range of interventions in the Prison, and to liaise with Probation, Health and other relevant agencies. (This will be an outsourced post, and would be partly funded from the Drug Strategy.)	Home/Drug & Alcohol Strategy (Outsourced post)
	Increase the core funding for GADAC to enable the development of the counselling and advice service and appropriate administrative support.	Home/Drug & Alcohol Strategy (Outsourced posts)
CO-ORDINATION	Have the Drug and Alcohol Strategies co-ordinated by the Drug Strategy Co-ordinator.	Home/Drug & Alcohol Strategy
	Allocate responsibility for the strategy delivery to the Chief Officers Drug Strategy Group – increasing membership if needed.	Home/Drug & Alcohol Strategy
	Include alcohol as part of the work of the Action Group – including extra members as required.	Home/Drug & Alcohol Strategy
	Develop the work of the Action Group to include research and steering sub-groups.	Home/Drug & Alcohol Strategy
	Amend the names of the groups and job titles to reflect the inclusion of alcohol.	Home/Drug & Alcohol Strategy
	To continue to collect and develop information gathering initiatives.	Home/Drug & Alcohol Strategy
	To ensure that alcohol services are monitored and evaluated to show that they are operating in line with best practice.	Home/Drug & Alcohol Strategy

**Overall Projected Costs for the Bailiwick Alcohol Strategy** – figures in brackets show actual funding required, as the excess would be met via the Drug Strategy and a reduction in H&SSD budget \*see asterisk).

<b>Pillar</b>	<b>2006</b>
Legislation & Enforcement	No anticipated extra costs
Training & Education	58,300
Licensed Trade	10,000
Treatment & Rehabilitation – Cost Net Funding required	177,700* 78,200
Co-ordination	7,000
<b>Total Cost</b>	<b>253,000*</b>
<b>Total Required Funding</b>	<b>153,500</b>

\* Includes £51,000 from Drug Strategy budget and £48,500 grant to GADAC from HSSD budget - £125,000 in total.

NB: Salary costs included in the Training & Education and Treatment & Rehabilitation Pillars have been costed throughout using April 2005 rates.

Given that the revised liquor licensing fees, which will be used to fund the Bailiwick Alcohol Strategy, cannot now be implemented until the summer or autumn of 2006 (at the earliest), the Policy Council has agreed that up to £76,000 can be made available from its Strategic & Corporate Measures Budget to fund the Strategy until the revised liquor licensing fees are implemented. Although this may not be sufficient to enable the full strategy to be rolled out immediately, Ministers are happy that the funding will enable substantial progress to be made without delay

### **RECOMMENDATIONS:**

- 1) To affirm the commitment of the States of Guernsey to changing attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm, in a cohesive, multi-agency approach, through the adoption of the five focus areas contained in this Report;
- 2) To endorse the aims of the Bailiwick Alcohol Strategy which are to **reduce:-**
  - alcohol-related ill-health;
  - alcohol-related crime and disorder;
  - alcohol-related road accidents;
  - alcohol-related economic loss in the workplace; and
  - the adverse effects of alcohol on social well-being.

- 3) To approve the proposals and recommendations of the Bailiwick Alcohol Strategy, as set out in Chapter 7 of this Report;
- 4) To delegate responsibility for the implementation of the Bailiwick Alcohol Strategy to the Policy Council's Social Policy Steering Group and the Chief Officers' Bailiwick Drug & Alcohol Strategy Group;
- 5) To direct the Treasury & Resources Department to take into account the financial resources required for the implementation of the Bailiwick Alcohol Strategy when recommending to the States the revenue allocations for 2006 and subsequent years; and
- 6) To direct the Treasury & Resources Department to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.

L C Morgan  
Chief Minister

19<sup>th</sup> September 2005



## CHAPTER 8: APPENDICES

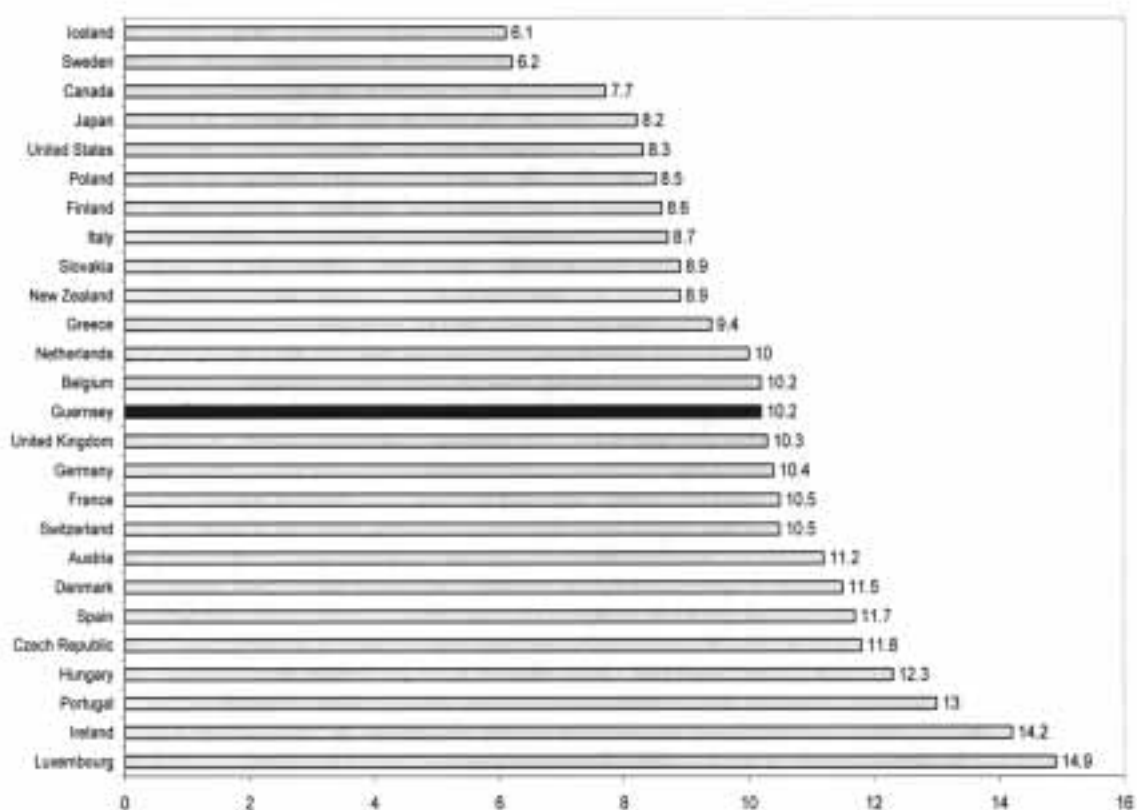
### Appendix 1

#### Local Statistical information

##### 1a. Alcohol Consumption

Guernsey appears to have an average per capita consumption of alcohol (9.9 Pure Alcohol Equivalent – PAE) compared with many other places. Annual consumption does appear to be decreasing over time, alongside most other Western European countries.

**Fig.1 : Adult per capita alcohol consumption 1999/2003 <sup>16</sup>**



These figures are supported by self-reported measures of alcohol consumption in the Fourth Guernsey Healthy Lifestyle Survey (2003). <sup>17</sup>

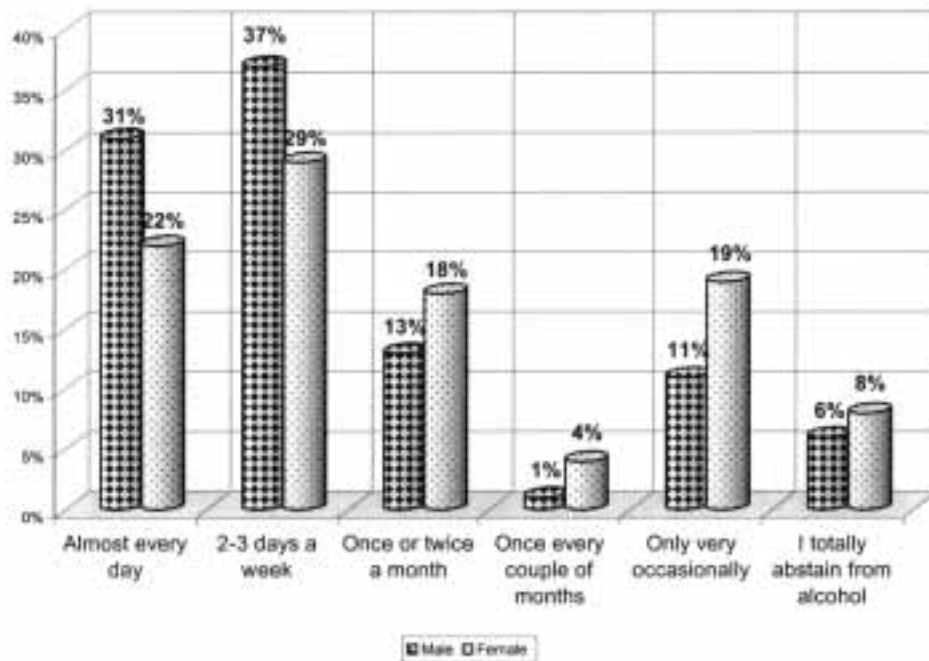
<sup>16</sup> Sources: [www.nationmaster.com](http://www.nationmaster.com) – information compiled from a range of sources including the World Health Organisation, UNESCO, UNICEF and OECD. Guernsey Public Health Dept (Guernsey statistics are discounted 8% for visitor consumption)

<sup>17</sup> Guernsey HSSD & University of Southampton. “The Fourth Guernsey Healthy Lifestyle Survey 2003”

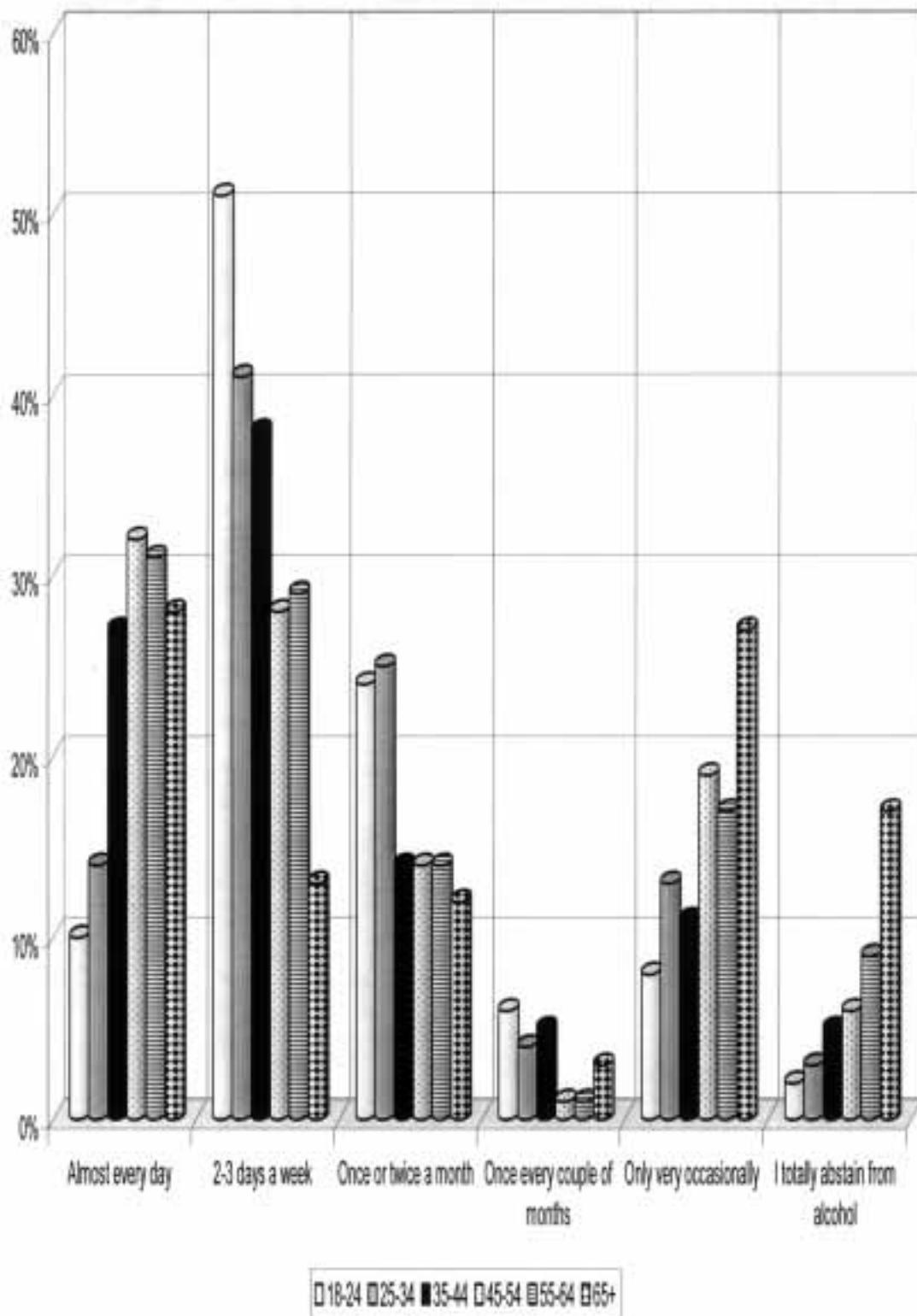
“Over time there has been a fall in men reporting drinking outside ‘safe and sensible’ limits (as defined by the UK Health Education Authority) from 53% (1988) to 47% (1993) to 26% (1998) but an increase to 30% in 2003. Amongst women the figures have been 24% in 1988 to 20% (1993), 13% (1998) and a similar small rise to 16% in 2003”.<sup>18</sup>

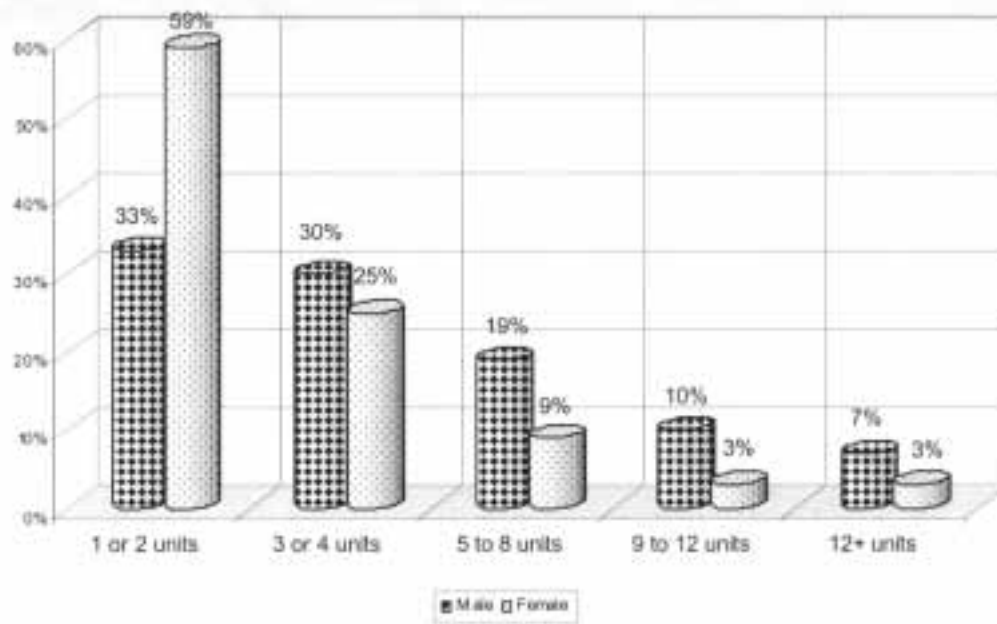
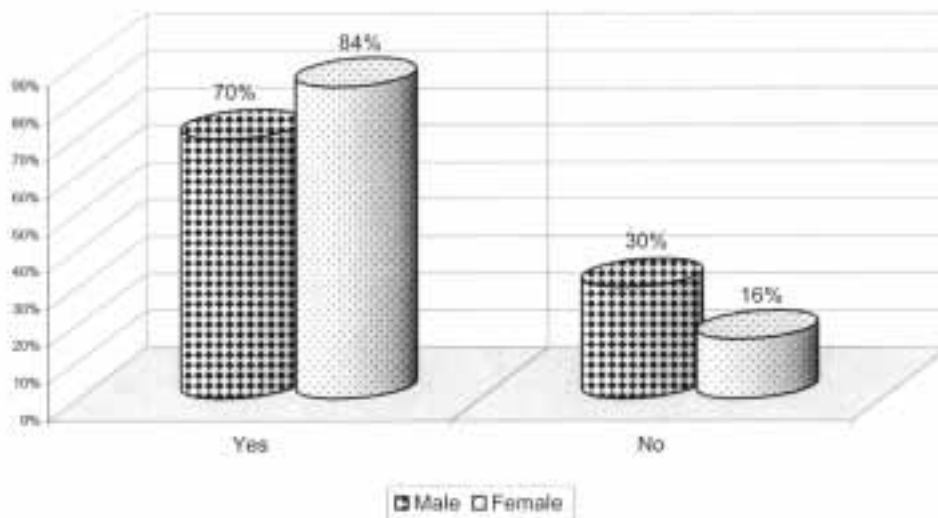
1b. **Information from the 4<sup>th</sup> Guernsey Lifestyle survey (2003)**

**Fig.2 : Drinking Habit by gender (n=692)**

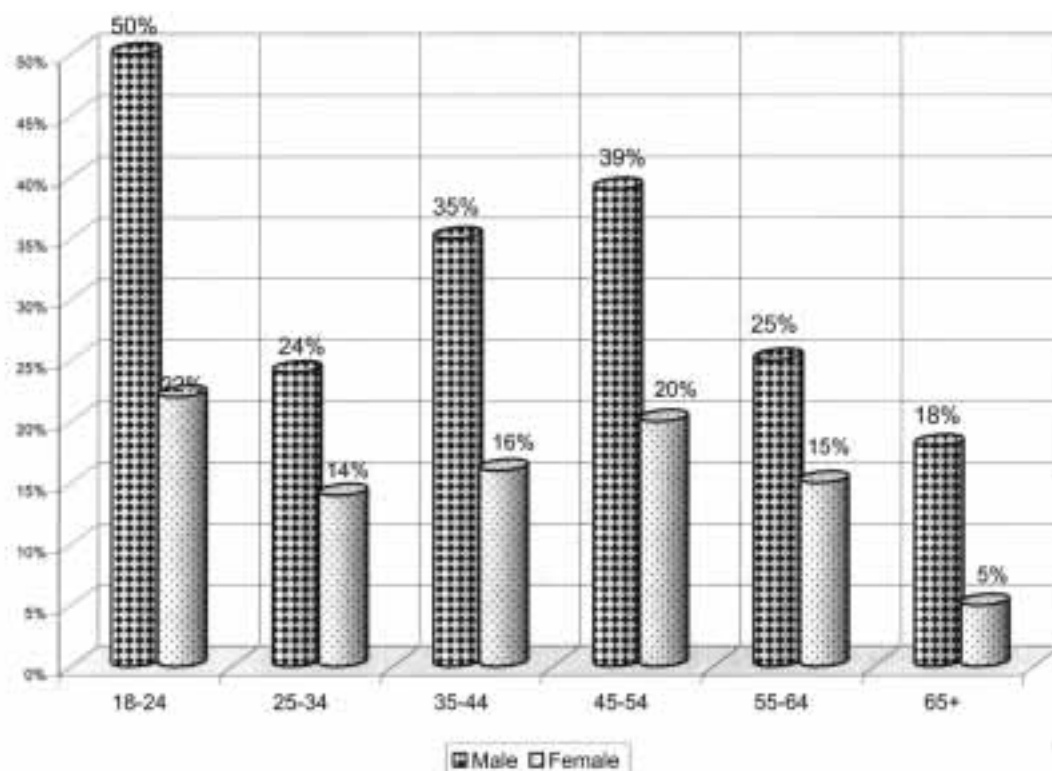


<sup>18</sup> Dr David Jeffs – see above report p.11

**Fig 3: Drinking Habit by age (n=714)**

**Fig.4 : How Many Drinks Throughout the Day? (n=630)****Fig.5 : Safe Drinking Limits (n=674)**

Shows the percentage of people who believe they drink within safe limits – and those who don't.

**Fig.6 : Percentage outside safe limits by age and gender (n=410)****1c. Guernsey alcohol consumption 1999 to 2003<sup>19</sup>**

	WINES		SPIRITS		BEER		CIDER	
	LT	£	LT	£	LT	£	LT	£
1999	1924205	1806872	377698	1692967	5539831	1646348	675911	216256
2000	2112589	1874272	374010	1671722	5403427	1619986	683488	218716
2001	2163520	1860960	372604	1654372	5451724	1658918	707556	226054
2002	2211731	1948829	346563	1542200	5447864	1696471	627591	200756
2003	2229032	2004333	390267	1738028	5922898	1846596	661144	211568

**1d. Health**

The French social demographer, Sully Ledermann, published much evidence suggesting that levels of alcohol-related harm are directly related to average per capita consumption. This is congruent with evidence demonstrating that Guernsey also has a relatively high rate of alcohol-related deaths compared to many other places.

<sup>19</sup> Source: Guernsey Customs & Excise

Although alcohol consumption has been decreasing over time, alcohol-related deaths have been on the increase. This rise probably pre-dates the recent fall in consumption, and relates to people whose chronic heavy drinking has continued over a number of years.

More specifically, it seems that 10-12 individuals die from alcohol-related illnesses every year: 4-7 males and 2-5 females<sup>20</sup>. Furthermore, alcohol-related disease is the seventh most common cause of potential years of life lost (PYLL) amongst Guernsey men, and the ninth most common cause amongst Guernsey women, being responsible for 62 and 21 PYLL respectively every year between 1994 and 1998.

**1e. Albecq Ward-Castel Hospital**

Between 1998 and 2003 there were 541 alcohol-related discharges (34% of all discharged patients) from Albecq Ward at the Castel hospital, consisting of individuals diagnosed with mental or behavioural disorders due to the use of alcohol.<sup>21</sup>

**1f. Out of Island treatment<sup>22</sup>**

Clients receiving out of Island treatment for alcohol addiction incur costs for the placement, their travel to and from the placement and social worker travel for assessments.

The Social Security Department picks up travel costs for the client – this cost is not reflected in the following information. Health and Social Services pays for the placement.

From 2002 to June 2004 a total of 27 clients have attended out of Island treatment at Marchwood Priory or Silkworth Lodge.

A total of 2650 treatment days occurred at a cost of £418,908.

A number of other Island residents attend similar programmes by paying for their own treatment privately.

**1g. GADAC**

The Guernsey Alcohol and Drug Abuse Council (GADAC) is a non-States organisation that has provided counselling and support to approximately 600 individuals in the years 1994 to 2002, the majority of whom have been self-referred.

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<sup>20</sup> Jeffs 2000, p 101

<sup>21</sup> Source – Health & Social Services Dept.

<sup>22</sup> Source – Health & Social Services Dept.

## 1h. Crime

### Police<sup>23</sup>

Guernsey Police statistics for 2003 (Figures for 2000 are shown in parenthesis), show that the total number of people brought into custody under arrest was **2024** (1643), of which **1177** - 58% (908 - 55%) were alcohol-related incidents, to the extent that the individual was readily identified as being under the influence of alcohol.

In 2003, there were **10119** (8197) 'Occurrence Book' entries of which **1245** - 12% (971 - 12%) were recorded as alcohol-related. However, many more may have involved alcohol but not been specifically recorded as such, e.g. domestic, racial or violent incidents. The OB or 'Occurrence Book' is an official record of all incidents attended by police.

In 2003, **262** (243) individuals were arrested for drink-driving offences. The level of drink-drive offences committed has remained relatively constant over the last few years.

## 1i. Youth Justice<sup>24</sup>

From January 2003 to August 2004, there were approximately 450 offences, with approximately 45 specific offences related to alcohol. Therefore 10% of offences were directly attributable to alcohol. There were however a number of other offences committed under the influence of alcohol, where the alcohol use was not reported.

Other offences, for example, stealing alcohol or money to buy it, or breaking into property to steal alcohol are not recorded, but deemed to be a serious issue.

Drunk in a public place / found drunk - c3%

Consume / possess / purchase / supply alcohol to under 18s - c6%

Drunk and Disorderly - c1%

Drink Driving - less than 1%

The age range of young people seen by Youth Justice is school age to 15, and those aged 15 - 17 already known to the service. The Probation Service will also have a number of this age group that would not necessarily be counted by Youth Justice.

## 1j. Alcohol and Young Adults

The Guernsey "Alcohol and Young Adults" Survey (1996) involved 300 18-25 year olds randomly selected in Guernsey pubs, clubs, sporting venues and other

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<sup>23</sup> Source – Guernsey Police

<sup>24</sup> Source – Youth Justice Team

places where young adults are likely to meet. This research shows that alcohol plays a central role in the lives of many young Guernsey residents, and that many are indeed drinking at harmful levels:

72% of young women and 63% of young men stated they always or frequently went out expecting to get drunk.

53% of young women reported that they would normally expect to drink 10 or more units of alcohol when they went out, and 53% of young men reported that they would normally expect to drink 15 units or more when they went out.

82% of young women and 86% of young men stated that they would still choose their usual drink if prices increased by 20%.

16% of young women reported drinking over 30 units a week and 9.8% of young men reported drinking over 50 units a week (thus at harmful levels).

#### **1k. Alcohol and Youth**

The most recent Guernsey Health Related Behaviour Survey was carried out in Autumn 2002. Results were collected from a sample of primary pupils aged 12 to 13 and secondary pupils aged 14 to 15 years. A total of 1861 pupils took part in 10 secondary schools and 17 of their feeder primary schools.

##### **Primary Pupils:**

20% of the boys and 9% of the girls had at least one alcoholic drink (more than just a sip) in the last week.

Of those that had a drink, 16% said they drank on three or more days.

4% of the sample reported that they did sometimes drink alcohol without their parents knowing.

##### **Secondary Pupils:**

30% of pupils had at least one alcoholic drink in the last week.

2% of secondary pupils were able to buy alcohol from an off-licence which should only sell to over-18's.

19% of pupils drank alcohol at home, 13% at friends or relations and 10% outside in a public place.

Pre-mixed spirits, spirits, and wine were the most popular drinks.<sup>25</sup>

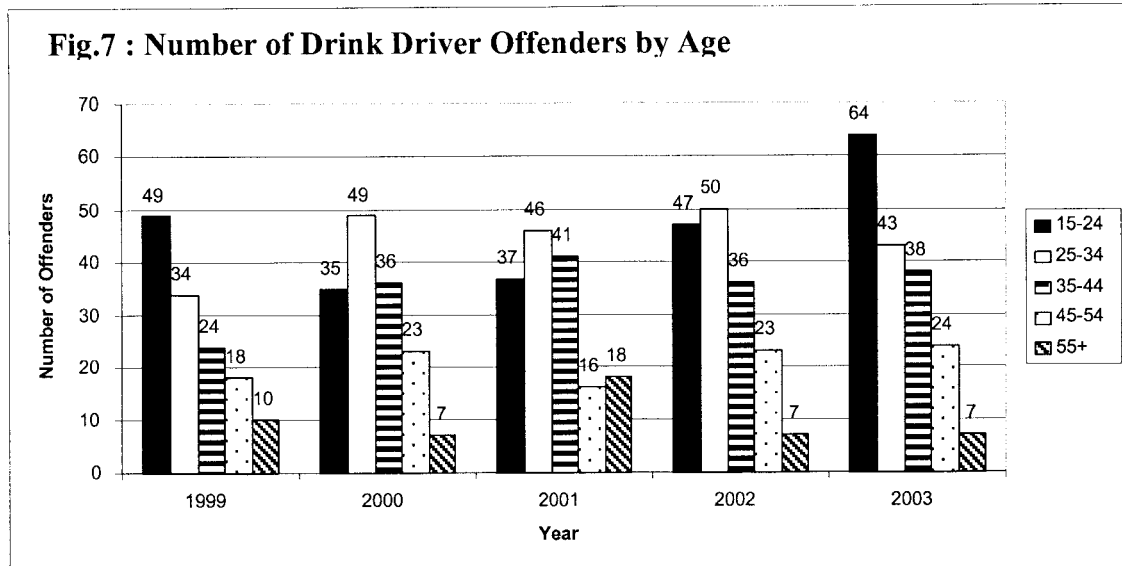
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<sup>25</sup> Source – Health Promotion Unit: Health & Social Services Department.



# 11. TABLE: DRINK DRIVING OFFENCES 1999-2003<sup>26</sup>

Out of the 790 people convicted of drink-drive offences in Guernsey, 29 people reoffended on one or more occasions.



<sup>26</sup> Source – Criminal Justice Database – Home Department.

**1m. TABLE: Comparative Excise Rates<sup>27</sup>**

DESCRIPTION OF GOODS	GUERNSEY/ ALDERNEY AS AT 01.10.04	SARK AS AT 7.10.04	COMPARATIVE JERSEY AS AT 01.01.04	COMPARATIVE UK AS AT 21.03.04 (NOT INC VAT)
<b>Beer</b>		17p per litre	1.2% - 4.9% per ltr Sta. Rate 39.13p	At 5% ABV
<b>Small Brewery</b>	21p per litre		Small brew. 34.36p over 4.9%	Small Brewery: 30.55p per litre
<b>Other Beer</b>	32p per litre		Sta. rate 58.86p Small brew. 52.96p	Medium Brewery: 30.6p to 56.05p per litre Other Brewery: 62.95p per litre
<b>Spirits -</b> exceeding 25.7% vol but not exceeding 50% vol	£4.57 per litre	£3.98 per litre	£7.96 per litre at 40% vol	£7.86 per litre at 40%
exceeding 50% vol	In the extra proportion to 50% vol	In the extra proportion to 51.4% vol		
<b>Cider</b>	32p per litre	17p per litre	39.13p per litre Over 4.9% 58.86p per litre	25.6p per litre. Sparkling £1.67 (5.5 - 8.5%)
<b>Wines –</b> a) light wines exceeding 5.5% vol but N/E 15% vol (inc sparkling wines)	97p per litre	60p per litre	127.17p per litre	N/E 15% vol £1.63 per litre. Sparkling £2.20 (over 8.5%)
b) other wines	£1.55 per litre	93p per litre	155.84p per litre	15% - 22% vol £2.18 per litre
c) light wines N/E 5.5% vol	24p per litre 60p per litre (N/E 26.4°)	24p per litre	Wine exceeding 1.2% but not exceeding 5.5% alc by vol 48.45p per litre	N/E 4% 50.38p per litre 4% - 5.5% 69.27p per litre

PLEASE NOTE: Excise rates for Sark are set by the Chief Pleas

<sup>27</sup> Source: Guernsey Customs & Excise

## **Appendix 2**

### **Initiatives to address the causes and effects of alcohol-related disorder**

#### **Bradford Inner City Licensees Association**

In 1988, the Bradford Inner City Licensees' Association (BICLA) was formed, which involves monthly meetings of all licensees, owners and managers of licensed premises and police and magistrate representatives. Initiatives include (majority-voted) banning from member premises, free proof of age cards, licensee training by police (e.g. Drug seminars after BICLA meetings) and a door staff training and registration (with BICLA) scheme as a condition of all City Centre Entertainment Licenses.

Since 1988, alcohol-related violence in Bradford has declined by 80%<sup>28</sup>.

#### **Manchester City Centre Safe Campaign**

The Manchester City Centre Safe campaign consists of over 20 partnership initiatives including a byelaw prohibiting the consumption and carrying of alcohol in public, the provision of late night transport, bar server training, a referral worker for alcohol offenders in police custody, marketing campaigns, data collection (for example where drunk A&E patients have been drinking) and a "best bar" award scheme.

Since the campaigns launch in 1999, there has been an 8% reduction in alcohol-related assaults (following an increase of 225% between 1997 and 1999) and an increase in visitors to the city. It has also been identified as best practice by the UK Home Office<sup>29</sup>. This campaign highlights the importance of forming a high profile holistic partnership approach to tackle alcohol-related disorder and improve community safety.

#### **Cardiff Violence Prevention Group**

Cardiff has a multi-agency Violence Prevention Group (police, A&E, Licensees' Forum, County Council) involved in the implementation of a Crime Reduction Programme, which includes the Tackling Alcohol-Related Street Crime (TASC) project. The interventions include regular dialogue between the police and the Licensees' Forum, improved standards of door staff (through a door staff registration scheme involving compulsory training and a 'penalty' points system), increasing public awareness of alcohol-related disorder (including a 'naming and shaming' of licensed premises involved in disorder), co-ordinated interventions at 'hotspots' (such as high profile policing and CCTV), and victim support and monitoring (using a nurse at A&E).

This project has so far resulted in a considerable reduction in alcohol-related violent crimes and disorder around 2 large night clubs targeted by the scheme.

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<sup>28</sup> Source: The Portman Group 1998

<sup>29</sup> Greater Manchester Police, December 2001

### **Coventry Byelaw**

In 1988, seven local authorities including Coventry participated in a two-year experiment to test the effectiveness of a by-law prohibiting street drinking in the central area. By 1997, 42 local authorities had introduced the by-law.

The Portman Group carried out a survey of the effectiveness of this byelaw: They concluded that public fear of crime and reports of rowdy and antisocial behaviour decreased, although there was no evident reduction in the number of alcohol-related offences. The byelaw tended to be most successful when implemented in conjunction with other initiatives<sup>30</sup>. An interesting caveat related to this intervention is that to avoid contributing to social exclusion, the provision of facilities for street drinkers (e.g. a “wet house” or night shelter) must accompany this type of law.

### **Westminster door supervisor registration scheme**

Evidence of a need to improve standards of door supervision led Westminster Council and police to set up a registration scheme with the approval of entertainments licensees. The 2-day training course is compulsory and includes first aid and other emergencies, criminal law, licensing law, equal opportunities and personal and social conduct.

Within two years of the scheme being launched, the police reported a 60% decrease in the number of incidents involving door supervisors<sup>31</sup>.

### **Server Intervention Programme Scotland (SIPS)**

The Server Intervention Programme Scotland is designed primarily for servers of alcohol, and is supported by licensing boards, police and licensed trade associations. It covers licensing laws, information about alcohol (e.g. units, percentage alcohol by volume, effects) and people skills (e.g. quality service and preventing conflict), and every participant receives a copy of the Servers Handbook<sup>32</sup>.

### **Toughened Glass in Torbay**

In an attempt to reduce the number of “glassings” taking place in late night licensed premises, Torbay Borough Council introduced more stringent licensing requirements:

“...all drinking glasses or vessels in use within the premises shall be of a design whereby, in the event of breakage, the glass will fragment and no sharp edge shall be left”.

The restriction was introduced in 1993 and by 1995 the number of “glassings” had reduced from 35 (in 1992) to only 2 such incidents.

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<sup>30</sup> The Portman Group 1998

<sup>31</sup> The Portman Group 1998

<sup>32</sup> The Portman Group 1998

**Locally**

With the current method of data collection in Guernsey's A&E department, it is not possible to specify the exact regularity of these incidents in the island. However, consultation with senior staff from the A&E department indicated that "glassings" were a rare occurrence. Guernsey Police report that, since January 2003, 2 cases of "glassings" have been referred to the Royal Court and 1 to the Magistrates Court.

### **Appendix 3**

#### **Initiatives in Jersey**

The States of Jersey set up the Shelter Trust 20 years ago to administer hostels for homeless people, provided by the Housing Committee. The Shelter Trust is a non-profit making charity funded by the states of Jersey and donations from Lloyds TSB Foundation, individuals and business. The annual grant from the states of Jersey was £498,220 in 2002 (just over half the required running costs of £873,000).

The Shelter Trust in Jersey provides a range of services for homeless people, some of whom are problem drinkers:

#### **D&I Unit (Drunk and Incapable Unit)**

This is an emergency night unit that contains a 'drunk and incapable' unit. The police can therefore utilise this safe and secure facility to avoid having to arrest and detain non-violent drunks for their own safety. The unit has a capacity for four people – with dedicated toilet, shower and laundry facilities. It also provides information, advice and literature on alcohol issues. This unit was used 107 times in 2002, and hence all these cases avoided entering the criminal justice system (in line with the 'Court Diversion Scheme'), and were offered information, advice and referral into alcohol treatment and support services.

## **Appendix 4**

### **Arrest Referral Schemes**

An individual arrested for an alcohol-related offence can be offered written information about alcohol services while in police custody. The “Get it While You Can” project, run by the Sussex Association for the Rehabilitation of Offenders, has workers who access police custody cells. Project workers offer information, advice and practical help (e.g making an appointment with the counselling services, joining a self-help group or applying to a local treatment centre), while being careful not to become involved in the legal aspects of a client’s case. Project workers are also available to anyone appearing before the Magistrates’ Court. In 1998, a published evaluation reported:

“... the project breaks even without difficulty, against the criteria of savings to the police and the criminal justice system. The evidence is overwhelming that the project can prove cost-effective”<sup>33</sup>.

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<sup>33</sup> The Portman Group 1998, p54

**(NB The comments of the Treasury and Resources Department are set out below)**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

10<sup>th</sup> May 2005

Dear Sir

### **BAILIWICK ALCOHOL STRATEGY**

The Treasury and Resources Department recognises and supports the need for a Bailiwick Alcohol Strategy.

The Department recognises that, to a certain extent, the level of excise duty has a part to play in the overall alcohol strategy and that, at present, the excise duty rates in Guernsey are low compared to other nearby jurisdictions and have decreased in real terms in the past decade.

As set out in the Policy Council's Report, the costs of implementing the strategy are to be met by an increase in Liquor Licensing costs. The proposals are therefore self-funding.

On that basis, the Treasury and Resources Department supports the resource implications of the Report.

Yours faithfully

L S Trott  
Minister



The States are asked to decide:-

II.- Whether, after consideration of the Report dated 19<sup>th</sup> September, 2005, of the Policy Council, they are of the opinion

1. To affirm the commitment of the States of Guernsey to changing attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm, in a cohesive, multi-agency approach, through the adoption of the five focus areas contained in that Report.
2. To endorse the aims of the Bailiwick Alcohol Strategy which are to reduce
  - (a) alcohol-related ill-health;
  - (b) alcohol-related crime and disorder;
  - (c) alcohol-related road accidents;
  - (d) alcohol-related economic loss in the workplace; and
  - (e) the adverse effects of alcohol on social well-being.
3. To approve the proposals and recommendations of the Bailiwick Alcohol Strategy, as set out in Chapter 7 of that Report.
4. To delegate responsibility for the implementation of the Bailiwick Alcohol Strategy to the Policy Council's Social Policy Steering Group and the Chief Officers' Bailiwick Drug & Alcohol Strategy Group.
5. To direct the Treasury and Resources Department to take into account the financial resources required for the implementation of the Bailiwick Alcohol Strategy when recommending to the States the revenue allocations for 2006 and subsequent years.
6. To direct the Treasury and Resources Department to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.

# **IN THE STATES OF THE ISLAND OF GUERNSEY**

**ON THE 27<sup>th</sup> DAY OF OCTOBER 2005**

The States resolved as follows concerning Billet d'État No XVI  
dated 7<sup>th</sup> October, 2005

## **HOME DEPARTMENT**

### **REVIEW OF LIQUOR LICENSING LEGISLATION**

I.- After consideration of the Report dated 21<sup>st</sup> September, 2005, of the Home Department:-

1. To approve the proposal, as set out in paragraph 5 of that Report, for the preparation of an enabling Projet de Loi authorising the States, by Ordinance, to regulate all aspects of the sale, supply and consumption of intoxicating liquor, including the creation of a licensing authority.
2. To approve the proposals, as set out in paragraph 5 of that Report, in relation to the designation by the Home Department of public places as areas in which intoxicating liquor may not lawfully be consumed.
3. To approve the proposals, as set out in paragraph 5 of that Report, in relation to "exclusion orders".
4. To approve the proposals, as set out in paragraphs 6 to 15 of that Report, for reform of Guernsey's liquor licensing regime, including the repeal of the Liquor Licensing Ordinance, 1993, either by an amending Ordinance or its replacement by a new Ordinance implementing the proposals.
5. To approve the proposals, as set out in paragraph 16 of that Report, relating to the amendment of the Public Highways (Temporary Closure) Ordinance, 1999 in order:
  - (a) to enable the Royal Court sitting as an Ordinary Court to deal with applications for alfresco licences;
  - (b) to increase fees for alfresco licences.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

## **POLICY COUNCIL**

### **BAILIWICK ALCOHOL STRATEGY**

II.- After consideration of the Report dated 19<sup>th</sup> September, 2005, of the Policy Council: -

1. To affirm the commitment of the States of Guernsey to changing attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm, in a cohesive, multi-agency approach, through the adoption of the five focus areas contained in that Report.
2. To endorse the aims of the Bailiwick Alcohol Strategy which are to reduce
  - (a) alcohol-related ill-health;
  - (b) alcohol-related crime and disorder;
  - (c) alcohol-related road accidents;
  - (d) alcohol-related economic loss in the workplace; and
  - (e) the adverse effects of alcohol on social well-being.
3. To approve the proposals and recommendations of the Bailiwick Alcohol Strategy, as set out in Chapter 7 of that Report.
4. To delegate responsibility for the implementation of the Bailiwick Alcohol Strategy to the Policy Council's Social Policy Steering Group and the Chief Officers' Bailiwick Drug & Alcohol Strategy Group.
5. To direct the Treasury and Resources Department to take into account the financial resources required for the implementation of the Bailiwick Alcohol Strategy when recommending to the States the revenue allocations for 2006 and subsequent years.
6. To direct the Treasury and Resources Department to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.

**K. H. TOUGH**  
**HER MAJESTY'S GREFFIER**