

**LIQUOR LICENSING POLICY OF
THE COURT OF ALDERNEY**

POLICY STATEMENT

DATED: 5th January 2006

1. The Court of Alderney is responsible for enforcing the Alderney Liquor Licensing Ordinance 1994 (“the Law”). This Policy aims to provide guidance for applicants, residents, businesses and other interested persons on the general approach the Court of Alderney will take towards the licensing of the sale of alcohol and the provision for extensions to the permitted hours.
2. The Court of Alderney recognises the positive contribution made by the Licensing Industry to the economy of the Island of Alderney. However, the Court of Alderney also recognises the potential negative impact of licensed premises upon the safety and amenity of residents and businesses on the Island. These include noise, nuisance and various types of crime and disorder.
3. This Policy will not undermine the rights of an individual to apply under the Law for a variety of permissions and have such application considered on their individual merits. The Policy will not override the right of any person to make representations on an application before the Court or to seek a review of a licence where provision is made for them to do so under the Law.

The Objectives of the Policy

4. The Court of Alderney aims to regulate licensing activities within the following four fundamental objectives:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children/Young persons from Harm
5. Liquor Licensing regulates the carrying on of licensable activities on licensed premises and temporary events within the terms of the Law. Any decisions made within the framework of the Law and this Policy will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

6. The Court of Alderney accepts the Law is not the primary mechanism for the general control of anti-social behaviour. Away from licensed premises, any anti-social behaviour is beyond the direct control of an individual and becomes a concern for the police. However, the Court expects every licence holder to make every effort to minimise the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises. In this regard, the Court of Alderney note the current policing policy means that no police officers are on active duty from 1.00 a.m. (2.00 am in the summer months) to 8.00 a.m. The Court will therefore be mindful of this factor when considering applications for extensions to the permitted hours.

7. **Prevention of Crime**

An essential purpose of a liquor licence is to regulate behaviour of persons whilst on licensed premises and in the immediate vicinity as they enter or leave.

Applicants will be expected to outline their proposals to deter crime and disorder, eg, liaison with the Police, advertising a positive attitude to deter crime.

8. **Public Safety**

The physical safety of patrons of licensed premises is a primary objective.

Applicants will be expected to outline the steps taken to promote public safety, eg, the level of door supervision for discos, restriction on entry after a specified time, refusal to admit persons in a drunken state.

9. **Prevention of Nuisance**

The Court of Alderney will focus on the impacts of licensable activities at specific premises on people living, working or sleeping in the vicinity that are disproportionate or unreasonable. The main concern for the Court is noise nuisance. Section 35 of the Law makes it an offence for a licensee to cause or permit any excessive noise to emanate from the licensed premises for which he holds a licence.

Although the above offence does not relate to premises for which a special licence is granted, for example, the Island Hall, this Policy relates to all premises where licensable activities take place.

Applicants will be expected to outline the steps taken to reduce noise levels emanating from the premises and the vicinity. For example, displaying of signs warning customers to leave quietly and not make a disturbance; provision of a taxi service; procedures to bar customers who regularly leave the premises in a noisy manner.

10. **Prevention of Harm to Children//Young Persons**

The Court of Alderney is committed to carrying out its licensing functions with a view to protecting children /young persons from harm and in particular to reducing the problems arising from under-age drinking and to protecting children/young persons from moral, physical or psychological harm. Section 26 of the Law makes it an offence to sell or supply intoxicating liquor to any person under the age of 18.

Applicants will be expected to take measures to ensure the safety and welfare of children/young persons on their premises. However, nothing in this Policy seeks to limit the access of children/young persons to any premises on which they are allowed unless it is necessary for the prevention of moral, psychological or physical harm.

Applicants will be expected to take measures to prevent the supply of alcohol to children/young persons. For example, requirement that proof of age is shown (passport).

Where children/young persons are expected to attend a licensed activity, applicants will be expected to outline the measures proposed to ensure their safety.

The Court of Alderney may also consider that additional steps for limiting access of children to licensed activities are necessary in order to prevent harm. For example, limitation on licensing hours where children are present, age limitations.

Permitted Hours

11. The Court of Alderney believes that the permitted hours as set out in the law are adequate to balance the rights of the licensee and the individuals using licensed premises. The Court is unlikely to depart from that view unless special circumstances are put forward with the application.

12. The Court of Alderney considers Alderney Week, Christmas and New Year to be special circumstances. In respect of any other occasions, licencees will be required to provide full details of the event to be held, the reasons why an extension to the permitted hours is required and what steps will be taken to comply with this Policy.
13. Nothing in this paragraph will prevent applications being made and considered on their merits.

Special Licences for Premises other than Licenced Premises

14. The Law allows for applications to be made by licensees to exercise their licences on other premises, for example, the Island Hall and the Butes Centre. Where such an application is granted, licencees are reminded that they have the same level of responsibility in relation to the premises named on the application as their own.
15. The majority of premises generally used for this purpose are in residential areas. The Court of Alderney is mindful of the potential disturbance to residents in these areas.
16. These premises are used for their capacity to cater for larger groups of people attending various events and therefore places an increased responsibility on the licencee. The Court of Alderney is concerned at the potential nuisance caused by these large groups leaving premises late at night.
17. Taking into account paragraphs 15, 16 and the current policing hours outlined in paragraph 6, in order to meet the four fundamental objectives set out in this policy, the Court of Alderney will be unlikely to grant special licences at these venues beyond midnight.
18. The Court of Alderney will require an outline of the procedures put in place to ensure that those premises will be managed in accordance with the Law and this Policy.
19. The Court of Alderney requires the licencee or his agent to be present at the premises at all times the temporary licence is in force. If his agent is to be present, the licensee must assure the Court that s/he is a responsible person and will manage the premises in accordance with the Law and this Policy.
20. Nothing in this paragraph will prevent applications being made and considered on their merits.