

18th August, 1986

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Her Majesty's Attorney General

-v-

St. Aubin's Wine Bar Limited and Elizabeth Daisy Brooks
wife of James Barker

DEPUTY BAILIFF: It is clear from the evidence that a number of young people were drinking in the games room. At least one other young person, R
, aged seventeen, was drinking lager and at no time was he asked his age by any member of the staff. He had been to the bar and bought his own drink. We are satisfied from the evidence of the three young people given, that the late Mr. Schofield also purchased lager and drank in the games room. Mr. Barker claimed that he or his wife policed the premises every half hour, and yet at Page 21 of the transcript he says of these young people - "they were said to be drinking somewhere upstairs - yes - not to our knowledge". That is an admission of failure to police the games room or to stop persons who had bought drinks in the bar from taking them up to the games room. There were quite a number of young people there, some fifteen to twenty it was said. But he also admitted at Page 22 that the games room, he called it the 'closed area' was where the children were suppose to be drinking. So what he appeared to be saying was that the childrens' room did not need to be policed. Of course the opposite is the case, because otherwise there is always the danger that some adult will buy alcohol for the young people and pass it on. We apply the Corbière Pavillion case, which is the law of Jersey today, and the appellants totally failed to discharge the burden imposed by Article 13(9) which is the only special defence available to them. Secondly, as to the Law, we are quite satisfied that the First Catagory Licence extended to the whole of the premises, including the games room. The Acts of the Licensing Assembly should have been exhibited to the Police Court, but the extent of the licensed premises is clear and the games room was licensed and is licensed. For these reasons, the two appeals fail and are dismissed. We order the appellants to pay to the prosecution the cost provided for by Article 17(5)b of the Police Court Miscellaneous Provisions (Jersey) Law, 1949 - such costs to be determined by the Judicial Greffier.

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