

2020.03.09

13 The Deputy of St. Mary of the Minister for Economic Development, Tourism, Sport and Culture regarding the preparation of a new Liquor Licensing Law: (OQ.81/2020)

Will the Minister advise what progress, if any, has been made in the preparation of a new draft Liquor Licensing Law and, given that it is now 2 years since the Minister withdrew P.103/2017, which itself was intended to replace the existing law of 1974, what does he consider are the fundamental issues causing any delay in bringing forward a new Proposition?

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

Senator Pallett has delegated responsibility for licensing and so will be taking this question.

Senator S.W. Pallett (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

I thank the Deputy for his question on an issue that I have had political responsibility for, for some time. The Deputy of St. Mary and many other States Members will be aware of my frustration over the lack of progress in updating the 1974 Liquor Licensing Law. He is aware that a new draft Law, lodged in the previous political term, would have included a modern fit-for-purpose administration process and a fee structure that better reflected the nature of the licensing trade in Jersey, among other improvements, but unfortunately it never reached the States debate. This issue has simply not been a policy priority in this political term and although I have pressed for work to continue, at no point has the necessary policy resource, or funding, been made available to restart the process. A paper was produced for the Council of Ministers late last year, looking to form a task and finish working group to move matters forward. This was prompted by the Licensing Bench decision to implement a minimum pricing policy for off-licences. Unfortunately, the paper was not progressed to the Council of Ministers.

[16:30]

Last month I was asked by the Chief Minister and Deputy Chief Minister to accompany them to a meeting with the Bailiff and newly appointed Attorney General to discuss a way forward. At that meeting, it was agreed to form a joint working party to consider options.

The Deputy of St. Mary:

Before I raise my supplementary, can I say it of necessity involves the role of the Licensing Bench and so I hope it does not cause you any problems as Presiding Officer.

The Deputy Bailiff:

It depends on what the question is.

The Deputy of St. Mary:

Shall I just fire away with my question?

The Deputy Bailiff:

I think so, yes.

3.13.1 The Deputy of St. Mary:

In view of the Assistant Minister's response just now and the Minister's response to Written Question 123, raised today by Deputy Pamplin, referring to the establishment of a joint working party, which will include representatives of the Licensing Bench, will the Assistant Minister confirm that the involvement of the Bench in that exercise will be limited to the system of administration only and, in particular, that such Bench will not have any input as to policy considerations, which must remain the sole responsibility of this Assembly?

Senator S.W. Pallett:

As the working group has not met and there has been no in-depth discussion with it from a Government perspective, I am going to give my own view on what I think the answer to this question is. My own view is in terms of the administration process and what that might look like in future, there definitely is a role within the working party involving the Licensing Bench as to what that might look like. But my own view is that in terms of ongoing policy and in producing a Statement of Licensing Policy, which was very much part of a new draft Law, I very much see that as a role for Government and the Executive. In saying that, there does need to be a consultative process with the Licensing Bench, because they will have to work with any policy that is put in place or Statement of Licensing Policy. But I very much see policy as being part of the Executive and Government's role.

3.13.2 The Connétable of St. Brelade:

Would the Assistant Minister agree that there would be considerable advantage in the Parishes having more influence over licensing matters?

Senator S.W. Pallett:

The Parishes currently have a degree of authority over, or say in, how applications are taken forward. There is an opportunity to discuss with Parishes about how that could be enhanced and what their role could be in future. I know in the Parish of St. Helier and I spoke very briefly to the Constable about whether licensing applications could, for example, be done within Parishes themselves. But that is at a very early stage, but I agree with my Constable that there is a role for Constables and it is an enhanced role for Constables and their role was protected within the new draft Law. There was no intention to take away any of the current Parish Assembly decision-making process, for example. So, yes, I can see an opportunity, as part of future discussions, to speak more in depth with Parishes about how they see their role in the future.

3.13.3 The Deputy of St. Mary:

I thank the Assistant Minister for his response and I fully accept that the Licensing Bench has an enormous part to play in the administration process and the Scrutiny Panel of the last Assembly had meetings with some members. The basic point I do make is that I appreciate the Assistant Minister has worked very hard on this matter, as did the Scrutiny Panel, the draft law P.103 runs to 52 Articles, basically only one: that relating to the policy statement, caused difficulty and I do question, therefore, if there is difficulty bringing forward the whole Proposition in total, could he not bring forward the remainder of the Proposition, which would benefit many parties, including the Police, and leaving the offending, or the controversial aspect, that is the policy statement to be dealt with elsewhere, maybe even through the Health Department?

Senator S.W. Pallett:

Just very briefly, in terms of P.103 and whether that could be brought back as a whole, the only area of contention - and it came up at a very late stage in the last political term - was around what the determining authority would look like. Would it be remaining with the current Licensing Bench, or

would it be a licensing authority, an independent licensing authority. There was clearly some disagreement, or uncertainty, over the trade, for example and what they felt was the right way forward and that is a key element at a very early stage as to whether we can bring the law back at quite an early stage. But that is something we do need to discuss at length with the Licensing Bench and I very much thank the Bailiff for his offer to be part of that working party with the Attorney General, because it is important that whatever we put in place, if it was to include the Licensing Bench, that they have a full understanding of the thinking behind policy decisions, for example and how they may work with an independent judiciary and how they would understand those decisions and work with that policy setting.