

2018.11.20

16 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the progress of the review of the Licensing Jersey) Law 1974: [OQ.208/2018]

Would the Minister update the Assembly on progress with the review of the Licensing Law?

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

Senator Pallett has responsibility for this area and therefore will be taking the question.

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

I am very tempted to give a very short answer to this, but I do not think that will be particularly helpful to the Constable. It gives me no pleasure to report that there has not been any significant progress since 6th March 2018. When I withdrew the draft Liquor Licensing Law I made a statement explaining my reasons for doing so. I would personally dearly like to restart the work on the draft law immediately but I have to tell Members that I am not in a position to make any promises in the short term as there are still challenges from a policy and resourcing perspective. From a policy perspective, the majority view is that the existing 1970 law has passed its sell-by date, it nevertheless remains hard to achieve anything approaching consensus on the way forward. To give just one example of the problem, I recall the industry representatives pressed for the introduction of a single category of on-licence and a new determining authority with a different membership to the one proposed in the new draft law. At the same time, we are being pressed by the Scrutiny Panel and other industry stakeholders to consider retaining the existing Licensing Assembly, which had concerns about the practical consequences of introducing a single on-licence category. The Constable of St. Helier may recall this because he was a member of the Shadow Alcohol Licensing Policy Group that worked on the draft law. From a resourcing perspective, I no longer have a dedicated policy and legislation team within my department to call on. That said, I stand ready to press on with the reform once I am in a position to access resource within the new Strategic Policy function.

3.16.1 The Connétable of St. Helier:

I thank the Assistant Minister for his very helpful answer and I was going to ask him when the Shadow Alcohol Licensing Policy Group is going to reconvene and he has more or less answered that question, so I will ask him: does he not feel that it is inappropriate that we do not have, he says, sufficient officer resources to progress this important work whereas we do have plenty of, for example, spaces in the Communications Unit? Will he not talk to his Minister about reallocating some posts so that we can press ahead with getting rid of the ridiculous amount of red tape and the waste of the valuable time of the judiciary that goes with the current licensing regime?

Senator S.W. Pallett:

I cannot disagree with the Constable. It disappoints me that we cannot carry on this work a little bit more quickly, in the sort of timeframe he would like. But we have yet to debate the Common Strategic Policy and I think once we have debated that then this Government, this Council of Ministers, need to decide what their strategic priorities are. I hope the new Licensing Law is one of them because I think it is vitally important for the hospitality industry that they have an up-to-date law. But until those decisions are made and the resources made available to me then I am not in a

position to do that. But I take his comments on board and I will speak to the Minister and other Ministers, because other Ministers were involved within the Strategic Alcohol and Licensing Policy Group, and try to get their support to move this work forward as quickly as we possibly can.

3.16.2 Deputy K.F. Morel:

In his answer to the first question, the Senator mentioned that he was trying to achieve consensus. I was just wondering if he could describe which parties he is trying to achieve consensus with?

Senator S.W. Pallett:

As much as we have, from a political perspective, not been able to move some of the issues forward, the officer that was dealing with pushing the law forward has engaged with some stakeholders since the election in May. The department has been speaking to representatives of the Jersey Hospitality Association because they had specific concerns prior to me pulling the law in March. But clearly stakeholders, including a lot of the big pub chains, hotel groups, restaurants, hospitality businesses, all have different concerns around how the law was drafted, some concerns around the complexity of the law and maybe that was an issue around communication from both the Scrutiny Panel and from the department and myself. They are issues that I would like to resolve but we do need more consultation on it and I cannot really do that unless I have the policy officers to be able to carry that work forward.

3.16.3 The Connétable of St. Helier:

The Assistant Minister will be aware that the current Strategic Plan has just 2 more weeks to run, I assume, because we are debating a new one at the next meeting. I would just ask him for his comment on the agreed objective of the States for the last 3½ years that we would introduce an effective and efficiently-administered licensing regime?

Senator S.W. Pallett:

It was part of the previous Strategic Plan. An awful amount of work went into producing this document from several departments and help from the Constable himself. All I can say is I was extremely disappointed that this could not be debated in March. If it had been purely on my thoughts, I would have gone ahead with the debate because I think, if nothing else, it would have flushed out some of the issues within this draft Licensing Law. But we never got to that stage unfortunately and all I can do is apologise on behalf of the hospitality industry for not providing an up-to-date Licensing Law that they can understand and work with moving forward.