

21.03.23

11 Senator S.W. Pallett of the Minister for Economic Development, Tourism, Sport and Culture regarding the implementation of ‘Drinks Promotions’ (P.105/2020) (OQ.86/2021):

Will the Minister advise what action, if any, he has taken to implement paragraphs (a) and (c) of Drinks Promotions, P.105/2020, as adopted by the Assembly on 6th October 2020 and, in particular, whether in light of the effects of the COVID-19 pandemic on the hospitality industry, businesses will be permitted to offer and advertise drinks promotions until 31st December 2021 without risk of prosecution?

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

Can I ask that Deputy Morel, who has delegated responsibility for licensing, take this question?

Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

Following the adoption by the States Assembly of parts (a) and (c) of Deputy Ash’s proposition in 2020, the department entered into correspondence with the Bailiff and Attorney General. In his response, the Attorney General noted that you cannot make a representation to the Licensing Assembly under Article 9 of the law in response to part (a) of Deputy Ash’s proposition. As the Assembly may be aware, part (c) of P.105/2020 has requested the Minister to develop a framework, possibly an amendment to the 1974 law, to give the States Assembly control of licensing policy decisions. The department is assessing the best way in which to meet the requirements of part (c) and aims to bring this to the States Assembly for consideration as agreed.

3.11.1 Senator S.W. Pallett:

On the final part of the Deputy’s answer, can the Assistant Minister advise the Assembly either verbally now or in writing by the end of this month details of the framework he will be using to bring forward amendments to the 1974 Licensing Law by 31st December 2021 as requested by P.105?

Deputy K.F. Morel:

I can tell the Senator now that is still being worked on, as I said in the first part of my question. So the timeline to bring those elements to consideration for the Assembly is the end of the year. That is the deadline we are working to. So, in that respect, we are still working on it and we will do so in time to meet the requirements of part (c).

3.11.2 Deputy L.B.E. Ash of St. Clement:

Would the Assistant Minister agree with myself in that, as part of this, we do in the future need to have an overall review of the whole way that alcohol is priced, including the way it is structured by the breweries?

[11:30]

Deputy K.F. Morel:

That is an interesting question but it is not one that I necessarily share the same view as the Deputy on. I am happy to discuss with him his views on that but at the moment I do not see it in the same way.

3.11.3 Deputy D. Johnson of St. Mary:

The Assistant Minister has already referred to the Licensing (Jersey) Law 1974, of which Article 9A provides that the Licensing Assembly, in deciding whether or not any application shall be granted, shall have regard to the interests of the public in general. Given that the decision as to what is or is not in the public interest is currently ...

The Bailiff:

I am afraid you have been cut out, Deputy. We can no longer hear you. Your question finished with a reference to Article 9A of the law but then you went blank after that.

The Deputy of St. Mary:

Perhaps I could repeat then. The Assistant Minister has already referred to Article 9A of the current law providing that the Licensing Assembly, in deciding whether or not any application shall be granted, shall have regard to the interests of the public in general. Given that the decision as to what is or is not in the public interest is currently a matter for the Licensing Assembly as opposed to the States Assembly, could the Assistant Minister perhaps elaborate on what he envisages or how he envisages the framework to improve the situation being proposed. In particular, whether he envisages that some form of statement of licensing policy will be part of that framework?

Deputy K.F. Morel:

It is too early to say, to give a description of that framework, but I would envisage such a statement being a part of it.

3.11.4 Senator S.W. Pallett:

The States made a decision on 6th October last year to allow drinks promotions to be allowed up until the period of 31st December 2021. How has the Assistant Minister conveyed that message to the hospitality sector in light of the serious damage that they have sustained during this pandemic? What comfort is he giving them that they will not be prosecuted because of that decision that the States have made?

Deputy K.F. Morel:

I believe it is not my position to give comfort to anybody in regard to prosecution because that is a matter for the Attorney General and the Licensing Assembly. As such, questions about the drinks promotion aspects, or part (a) of Deputy Ash's proposition, should be referred to the Attorney General and the Licensing Assembly.

Senator S.W. Pallett:

Can I come back on that? The Assistant Minister has not answered the question as to how he has communicated with the hospitality sector.

The Bailiff:

Yes, very well, that is a point that was in the original question. Is there any answer on communication with the licensing trade?

Deputy K.F. Morel:

No, as it is a matter for the Attorney General, I have not communicated with the hospitality trade on that.