

**STATEMENT TO BE MADE BY THE ASSISTANT MINISTER FOR
ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE
ON TUESDAY 6TH MARCH 2018**

Withdrawal of the Draft Liquor Licensing (Jersey) Law 201-

I have taken the decision to withdraw the Draft Liquor Licensing (Jersey) Law 201- (P.103/2017 refers). Given that this draft Law has been over a decade in the making, I think that both Members and stakeholders deserve an explanation of the events that have led to my decision, the key factor being the status and methodology of the ongoing Economic Affairs Scrutiny Panel review of liquor licensing.

Several Members will recall being in the States in September 2007, when P.117/2007 was adopted. That proposition called for a review of liquor licence fees. The States were promised that fees would be looked at as part of a broader review of the Licensing (Jersey) Law 1974 by the then Economic Development Department. That broader review was commissioned on account of the 1974 Law being criticised for its complexity, its lack of scope to generate policy guidance and its inflexible licence category system.

Natural tensions between stakeholders were apparent as soon as that work began. Government departments had competing strategic policy objectives. They sought a new Law that would, in no particular order: secure community safety; minimise crime and disorder; protect public health; and, help tackle harmful levels of alcohol consumption, whilst promoting economic activity in the hospitality and retail industry.

Industry, charities, consumers and other stakeholders outside of government also held a range of legitimate views that were just as complex and challenging to reconcile. Public responses to three separate public consultations held between 2009 and 2016 have helped to illustrate the extent of the challenge.

In early 2012, EDD proposed a meeting of all Ministers with a direct policy interest in alcohol licensing. That meeting led to the formation of the Shadow Alcohol Licensing Policy Group of Ministers and Connétables. That Policy Group, known as the Shadow ALPG and of which I am a member, began formally exercising political oversight of this issue in 2014. The outcome of its work was P.54/2017, which was lodged in June of last year and then re-lodged as P.103 in the autumn, so as to give Scrutiny more time to review the topic.

When I lodged the draft Law, neither I nor my Shadow ALPG colleagues were under any illusion that we had achieved a complete consensus position on all aspects of liquor licensing policy. While we absolutely believed in the draft Law, we anticipated a challenging debate that might focus on three key issues –

1. What should be the core objectives of a liquor licensing law?
2. How should detailed licensing policy be set – and by whom?
3. Who should determine licence applications with reference to that detailed licensing policy?

For the record, the Shadow ALPG thought the licensing objectives should be the five listed at Article 3 of the draft Law. We thought that the States – not the executive – should have the final say on licensing policy. And we thought that there was a strong case for moving the application process out of the Royal Court and into a new Licensing Authority.

We wanted to establish whether the States agreed with us. We intended to use the States decision on what is now P.103/2017 to inform the remaining work needed to bring a new law into force.

Given the inherent public interest in this controversial topic, we expected that the States, when debating P.103, would want to refer to a report from Scrutiny. Regrettably, we do not have that report.

The Economic Affairs Scrutiny Panel has been reviewing liquor licensing for some 14 months. That review has been conducted behind closed doors. I have not been formally called to give evidence to the Panel in public on the specifics of the Law or the underlying policy. I have no idea how many stakeholders have been able to express their views to the Panel because witnesses have all been heard in private session and none of the Panel's evidence has been published. The Panel has not produced a final report, an interim report or even a comment on the subject.

As a former member of Scrutiny, I have to say that the Panel's methodology is not one that I recognise and I have felt it necessary to alert the Chairmen's Committee to my concerns.

I admit to knowing at least some of the Panel's views on P.103, because the Panel has been pressing since November for the Shadow ALPG to agree to a series of amendments. Those amendments include the reinstatement of the existing judicial Licensing Assembly, albeit in a slightly revised form. While we have negotiated with the Panel in good faith, our difficulty has been that we do not really know how the Panel has arrived at its views.

My concerns regarding the Panel's evidence base have only increased since 28th February, when I attended a Jersey Hospitality Association presentation together with the members of the Panel. Prior to that meeting, the Shadow ALPG thought that the Panel had amassed evidence that industry favoured retention of the existing Licensing Assembly and I had been working with the Shadow ALPG on an amendment to P.103 on that basis.

It now seems that the industry is less than unanimous on that issue.

In summary, Sir, I do not consider that it would be reasonable to ask the States to debate this complex matter in the ongoing absence of a Scrutiny report. I have therefore withdrawn the proposition.

In making that decision, I have also been mindful that the list of public business to be worked through in the remaining sittings is now extensive.

A considerable amount of work has been put into this project since 2014, not just by myself and my colleagues on the Shadow ALPG but by external stakeholders. While I regret that this Assembly will not now have a much needed liquor licensing debate during this term, I am determined that this work should not be lost. I have therefore instructed my department to conduct an evaluation of the development of P.103, to factor in any report that the Scrutiny Panel might publish in its final days and to prepare an options paper outlining proposals that the next Assembly might consider.