

20.10.06

1 Deputy D. Johnson of St. Mary of the Minister for Economic Development, Tourism, Sport and Culture regarding work on updating the Licensing (Jersey) Law 1974 (OQ.253/2020)

Further to the response to Written Question 123/2020, will the Minister advise what progress, if any, has been made as to the establishment of a joint working party to consider options to update the Licensing (Jersey) Law 1974 and, in particular, will he inform the Assembly as to the membership of any such working party?

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

Senator Pallett will be taking this question.

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

The proposal to establish a joint working party has now been superseded by a decision of the Council of Ministers to establish a task and finish group with the following members. It will be myself, the Minister for Home Affairs, the Minister for Health and Social Services, and the Assistant Minister for Treasury and Resources, Deputy Ash. This new group has been charged with developing a draft statement of alcohol and licensing policy and either proposing new legislation or amendments to the existing 1974 law, as appropriate to achieve the necessary reform. It will aim to lodge an in-principle policy proposition for debate by the States Assembly in quarter 1 2021, with detailed policy and legislative proposals to be lodged as soon as possible thereafter and no later than December 2021.

3.1.1 The Deputy of St. Mary:

I thank the Assistant Minister for his reply. In the written response to which the original question referred to, the statement said that the group then envisaged will be chaired by Senator Pallett with membership including representatives of the Licensing Bench. Are Members to take it from this new initiative that there is no intention to amend the constitution of the Licensing Bench, as now so constituted?

Senator S.W. Pallett:

I think at the current stage the working party needs to consider all options. The change to a more political based working party is a decision of the Council of Ministers. We do intend to work closely with the Licensing Bench, as I think all Members would expect. They currently oversee the Licensing Law both from an administrative point of view and policy so it is important that we do involve the Licensing Bench and the court in regards to any future decision-making. But it very much is a decision that we need to take a political lead on this particular issue.

3.1.2 Connétable A.S. Crowcroft of St. Helier:

Will the Assistant Minister confirm that he has had productive meetings with the St. Helier Shadow Conseil Municipal about the possibility of the Parish of St. Helier taking more of an active role in determining licensing applications in our Parish?

Senator S.W. Pallett:

I certainly can confirm that. It was a very interesting meeting that we had with the Shadow Conseil in regards to what options may be available for working more closely with the Parish of St. Helier, and that type of proposal does need further consideration and will be something that the working party will look into.

3.1.3 Deputy K.F. Morel of St. Lawrence:

In his answer the Senator referred to a “task and finish group” and in my ignorance I have not heard of a task and finish group before so I was wondering if the Senator would be able to cut through the jargon of the Assembly and explain what a task and finish group is and how it exists from a working party?

Senator S.W. Pallett:

We have a set terms of reference in regards to the work that we will be setting out to do. That will be considering issues such as alcohol availability, alcohol pricing, advertising, promotion - something that we will be discussing later today with P.105 - and various other issues, including category models and fee models. Cutting through the jargon, I think we need to consider 2 main issues: one is whether we amend the current law or whether we come forward with a new draft law. The most important thing for me is around statement of licensing policy that will put policy firmly in the States Assembly where I think Members would prefer it to be.

3.1.4 Deputy K.F. Morel:

With regards to this task and finish group, the Senator mentioned that it is principally political, is this just another example of the Government retreating from the stakeholders that are involved with the Licensing Law and turning in on itself and not consulting, not getting opinions from elsewhere, and trying to come up with the answers in isolation?

Senator S.W. Pallett:

I can assure the Deputy that is absolutely not the intention of this group. It will be consulting widely with all stakeholders, as I have already said. We could not do this piece of work without having a close collaboration and consultation with the Licensing Bench, with stakeholders, such as the industry and, in fact, the public more generally, because I think it is important that we have a balanced view of the way forward.

[9:45]

As I have already said, the intention is to have an in-principle debate within the States Assembly so that we can gauge the views of all Members in regards to what they want to see of a new law and a statement of licensing policy.

3.1.5 Connétable R.A. Buchanan of St. Ouen:

I am sure the Senator, who is a past Constable, will not have forgotten this, but I can just ask him to confirm that he will be consulting with the Comité des Connétables on any new licensing proposals?

Senator S.W. Pallett:

Absolutely, and I certainly have not forgotten the Constables and the Comité, they are key to, I think, finding a solution to this, as the Constable of St. Helier has already made clear. I think there is a role for the committee and Parishes themselves in finding a solution to some of the issues that we face, but there is no intention to keep anybody out of consultation. It is going to be a wide-ranging. It

needs to be wide-ranging because I think the issues are quite complex and we need to get a solution that works for all parties.

3.1.6 Connétable D.W. Mezbourian of St. Lawrence:

Will the Assistant Minister recognise that there are 12 Parishes in Jersey and that all Parishes should be treated in the same manner? Will he confirm therefore that St. Helier will not be treated differently to the other Parishes?

Senator S.W. Pallett:

I think the Constable will know that that certainly is not the case. There is no intention to treat any Parish any differently than others but clearly St. Helier do have a ... I think it is 50 per cent of all licences within the Island so they are a key stakeholder, but as are all the other 12 Parishes, whether you have got one pub or whether you have got 50 pubs. It is important to have an understanding from each of those Parishes, what their concerns are and have a holistic view from the Constables as to future solutions.

3.1.7 The Connétable of St. Lawrence:

Clearly we are not discussing only pubs in this regard, it is all licensed premises. The Comité has, as the Assistant Minister knows, very full agendas when we meet. Will he commit to giving us as much notice as possible please of his intention to meet with us?

Senator S.W. Pallett:

Absolutely. When the resource is made available in terms of officer support for this piece of work we will start to engage more closely with all the stakeholders, obviously including the Comité themselves.

3.1.8 The Deputy of St. Mary:

In the Minister's notes or comments to P.105, which is to be debated later today, he concludes that the Scrutiny Panel involved in P.103/2017 supported the general concept of a new law that will provide it for a States approved statement of alcohol licensing policy. Given the measure of agreement that was reached on that occasion would it not be simpler and more expedient to effectively replicate or resurrect P.103 with a view to bringing a new Licensing Law into force as soon as possible?

Senator S.W. Pallett:

Any in-committee debate will probably use that draft piece of work, P.103, as a basis for discussion. I think the Deputy is right. There are elements of that law that are as true now as they were when we lodged it. But there are issues within that draft law that do need some further consultation, certainly with stakeholders, but I think it is key that we fully understand what States Members really want from a new draft law and from a statement of licensing policy before we start that piece of work.