

CONFISCATION OF ALCOHOL: INTRODUCTION OF LEGISLATION

**Lodged au Greffe on 26th March 2002
by the Deputy of St. Martin**



STATES OF JERSEY

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (a) to agree, in principle, to the introduction of legislation to permit police officers to confiscate alcohol in the possession of any person in a public place who is causing a nuisance or whose possession of alcohol might, in the opinion of the officers, lead to further misbehaviour; and
- (b) to charge the Home Affairs Committee to prepare and bring forward for approval the necessary legislation to give effect to the proposals.

DEPUTY OF ST. MARTIN

Report

Whilst legislation currently exists to control the consumption of alcohol on licensed premises, there is very little to control the consumption in public places.

The anti-social behaviour by a minority of irresponsible people cannot have gone unnoticed. The media have regularly reported on disturbances in a number of locations in town and in some country parishes. The consumption of alcohol is often given as a reason for the problems, and those responsible are from a wide age group.

The difficulties in policing the problems are aggravated by the absence of any legislation to confiscate alcohol from those people who are causing a nuisance but are not drunk. However, legislation to tackle these problems does exist in other jurisdictions and is considered to be effective both as a deterrent and remedy.

Recently, during States Question time, I asked the President of the Home Affairs Committee whether his Committee was considering the introduction of legislation similar to that in the United Kingdom, which would permit alcohol found in possession of young people in a public place to be confiscated.

The reply in summary was that among the key proposals, consideration was being given to a number of amendments to the Policing of Roads, Parks and Beaches Regulations to make it an offence for a person under eighteen years of age to be in possession of alcohol, etc. However, rather than develop measures to combat alcohol abuses in a piecemeal fashion, the Alcohol Strategy would take a holistic approach to the problem.

It should be noted that it was as long ago as May 1996 that the States gave approval to a three-year strategy to reduce the harm caused by drugs. In November 1999 the States approved the Crime and Community Safety Strategy and Substance Misuse Strategy. In June 2000 the Home Affairs Committee and the Health and Social Services Committee took political responsibility for the implementation of the Strategies. Whilst many reports have been produced, it would appear that very little action has arisen from them.

A Draft Alcohol Strategy has been produced and circulated for comment, however the comments received are still being considered, and the Health and Social Services Committee has not yet discussed the Strategy. Whilst a holistic approach may have some value, I believe in this instance that it is unfair to deny those entrusted to tackle drink-related misbehaviour the tools to do their job. Whilst I am in support of much of the contents of the Draft Alcohol Strategy, there is also a law and order issue at stake, and the public are entitled to their peace and tranquillity. It is unreasonable for the public and the police to await the outcome of Alcohol Strategy before any action is considered.

The purpose of the proposed law is not to deny the right to possess or consume alcohol in a public place. Unlike in the United Kingdom, I would not propose that the legislation be confined only to persons under the age of 18 years. I believe to introduce such legislation would be discriminatory and could cause policing difficulties. For example, it would be a nonsense to provide for a law which permits the confiscation of alcohol from a 16-year old offender, yet be powerless to take similar action against a 18-year old who is in the 16-year old's company.

The confiscation of alcohol would be confined to those persons who are drinking in public places and intended to deal with situations where drinking causes a nuisance to others or may lead to further bad behaviour. I repeat that the proposed law would not create an offence to possess or drink alcohol in a public place. Apart from being a remedy, it will also be a deterrent, particularly to underage persons who are minded to drink alcohol in a manner which causes offence to the general public.

Similar legislation in the United Kingdom provides for the disposal of alcohol in the street and the ability to arrest without warrant offenders who fail to surrender alcohol and/or refuse to supply their name and address and, if this proposition is adopted by the States, the Home Affairs Committee will no doubt wish to include similar provisions in local legislation.

I do not believe that there are any additional financial or manpower implications for the States arising from this proposition, as these powers would be exercised by existing States and honorary police officers and would merely be an additional tool available to them.