

STATES OF JERSEY



DRINKS PROMOTIONS

Lodged au Greffe on 20th August 2020
by Deputy L.B.E. Ash of St. Clement

STATES GREFFE

PROPOSITION

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

- (a) that, in light of the effects of the Covid-19 crisis on the hospitality industry, bars, pubs and restaurants should be permitted to offer and advertise promotions on drinks for a limited period until 31st December 2021, and that the Minister for Economic Development, Tourism, Sport and Culture should take the necessary steps to ensure the Licensing Assembly is informed of the States Assembly's decision, and to request that the Licensing Assembly take that decision into immediate consideration;
- (b) to request the Minister for Economic Development, Tourism, Sport and Culture to instruct the Jersey Competition Regulatory Authority to undertake a review of the Island-wide pricing of alcohol, investigating in particular current trading practices, and to report by 31st December 2021; and
- (c) to request the Minister for Economic Development, Tourism, Sport and Culture to bring forward amendments to the Licensing (Jersey) Law 1974 by 31st December 2021 to establish a framework whereby licensing policy decisions are vested in the States Assembly.

DEPUTY L.B.E. ASH OF ST. CLEMENT

REPORT

Promotions on drinks

At a time when hospitality and tourism is looking to try and make a come-back after the shut-down of businesses during the pandemic, the question of *why* promotions on drinks (such as 'Happy Hours' or 'Buy one get one free' or similar) are not permitted in Jersey has been put back into sharp focus.

I would ask: is this quasi-governmental interference in how someone chooses to run their business, what offers they wish to make to their clients, a *proportionate way of achieving a legitimate aim*?

What is the reason 'Happy Hours' are not allowed in Jersey? Has it succeeded in curbing excess drinking in Jersey? Whose policy was it and how did it come about?

Even now, under the minimum pricing of alcohol policy, supermarkets are still able to offer promotions, which pubs and bars are not.



Taken at an Alliance Tesco, Jersey, 15th June 2020

So, whilst the retailer can sell drinks at '3 for £5' or 'Buy 2, Get 3rd free', the pubs cannot. Why is this?

Is it because we want people drinking in their homes, not in the controlled environment of pubs and bars?

Transparency on Pricing

At present, there is a public perception, whether factual or not, that pricing and the supply of alcohol to licensed premises is very much a closed shop run by a select few, backed by the Licensing Assembly.

Hence, I believe there is a need for the Jersey Competition Regulatory Authority (“J.C.R.A.”) to investigate this subject and provide a report that can provide both Members of this Assembly and the public, in general, with much needed clarification and possible improvements that could be implemented in the Island management of alcohol pricing.

Minimum Pricing

It is important that I include this subject and accompanying articles and information as it explains, in part, the need for part (c) of the proposition.

Basically, I am undecided as to whether minimum pricing is a good or a bad thing; but it is irrelevant what I think and indeed it is irrelevant what Members of the Assembly think as, under the [Licensing \(Jersey\) Law 1974](#), we have no rights to challenge the decision of the Licensing Assembly to implement this policy on the Island population.

There are arguments, of course, and a debate to be had, but not a debate that elected Members can participate in to any degree.

The research has uncovered a number of references on this matter that may be of interest to Members and are included below.

Financial and Manpower Implications

There are no direct financial and manpower implications from part (a) although law drafting time will be required and policy support in the future. There are cost implications for part (c) for the J.C.R.A to undertake, review and provide a report.

References

Duffy, J. (2019) *Warning that minimum alcohol pricing is driving drinkers to drugs*. Available from: <https://www.sundaypost.com/fp/warning-that-minimum-alcohol-pricing-is-driving-drinkers-to-drugs/>

Hancock. E. (2018) *Minimum pricing on alcohol in Scotland could raise substance abuse rates doctor warns*. Available from: <https://www.thedrinksbusiness.com/2018/01/minimum-pricing-on-alcohol-in-scotland-could-raise-substance-abuse-rates-doctor-warns/>

Lowther, E. & Brocklehurst, S. (2020) *Scotland's drug death crisis in six charts*. Available from: <https://www.bbc.co.uk/news/uk-scotland-48853004>

Brooks, L. (2019) *Scottish government urged to declare drug addiction emergency*. Available from: https://www.theguardian.com/society/2019/nov/01/scottish-government-urged-to-declare-drug-addiction-emergency?CMP=share_btn_link

