

**REPORT OF PROCEEDINGS OF  
HOUSE OF KEYS**

**Douglas, Wednesday, 28th March 2001  
at 2.30 p.m.**

Present:

The Speaker (Hon J D Q Cannan) (Michael); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon S C Rodan (Garff); Hon D North (Middle); Mr P Karran, Hon R K Corkill and Mr G T Cannell (Onchan); Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Mr J P Shimmin (Douglas West); Hon D J Gelling (Malew and Santon); Sir Miles Walker CBE LLD (hc) and Mrs P M Crowe and Mr J Rimington (Rushen); with Mr R B M Quayle, Acting Secretary of the House.

*The Chaplain took the prayers.*

**Apologies for Absence**

**The Speaker:** Hon. members, I have had apologies for absence from the hon. member for West Douglas, Minister for Agriculture, Mr Downie, from the hon. member for Castletown, Mr Brown, and from the hon. member for South Douglas. Both Mr Downie and Mr Brown are on official government business and the hon. member for South Douglas Mr Duggan is indisposed.

**Procedural**

**The Speaker:** As a consequence of the hon. member for Castletown's absence the continuation of the clauses stage of the Road Transport Bill will be deferred till our sitting next Tuesday, as will the Road Traffic (Amendment) Bill.

**Licensing (Amendment) Bill — Clauses Considered**

**The Speaker:** So we will now move to item 15 on our agenda, which is the Licensing (Amendment) Bill for consideration of clauses and I call upon the hon. member Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. Clause 1 abolishes permitted hours in licensed premises and club premises, that is, the limits on the hours during which liquor may be sold or supplied on the premises, subject to a power by regulations to impose a requirement for the licensee of on-licensed premises to notify the police of its intended opening hours.

Sub-clause (1) substitutes for section 16 of the Licensing Act 1995, which prescribes the permitted hours for licensed premises, a power for the Department of Home Affairs to make regulations requiring the holder of an on-licence to notify the police of its hours during which he intends to sell liquor and making it an offence to fail to do so. These regulations will require Tynwald approval.

Sub-clause (2) repeals various provisions of the 1995 Act dealing with the permitted hours, and sub-clause (3) amends section 32 which enables the department to make regulations as to notices to be displayed on licensed premises to cover a notice of the intended opening hours as notified to the police under subsection (1).

Mr Speaker, I beg to move clause 1 stand part of the Bill.

**Mr Shimmin:** I beg to second, sir.

**The Speaker:** Mr Cannell, the member for Onchan.

**Mr Cannell:** Yes, thank you, Mr Speaker. During the Department of Home Affairs' consideration of the mechanism by which the various elements of the Bill are to be brought into force it became apparent that not all the current music and dancing licences will continue to restrict the hours in which music can be played. Hon. members, this could in effect mean that during the period while the licensing court is considering music and dance hours music could be played in some licensed premises at unsuitable times, taking account of the location of such premises. It is felt that this is unacceptable even for a short period of time where any risk might ensue that residents might be disturbed after the hour of midnight. This amendment is designed to ensure that no licensed premises will be permitted to play music or to permit dancing beyond the period currently permitted under each premises licence without reference to the licensing court for a proposed change to conditions of that licence.

In effect this will restrict all licensed premises from playing music after midnight unless they were previously permitted to do so or in due course that the licensing court agrees to reduce that restriction.

Any change, hon. members, would be subject to the courts considering any views of the police, interested parties and the implementation of any noise preventative measures advised by the Department of Local Government and the Environment.

Mr Speaker, I beg to move the amendment to clause 1:

*Page 2 line 2, at the end insert —*

*“(4) Where —*

*(a) on the coming into operation of this section an on-licence contains a provision mentioned in section 28 of the 1995 Act (music and dancing), and*

*(b) no restriction on the times at which music may be played on the licensed premises is included in that provision,*

*the provision shall (subject to subsection (6)) be deemed to be subject to the condition that music may not be played on the premises between the hours of 12 midnight and 7.00 am.*

*(5) Where —*

*(a) on the coming into operation of this section an order under section 55 of the 1995 Act (music and dancing) is in force in relation to any club premises, and*

*(b) no restriction on the times at which music may be played on the premises is included in the order,*

*the order shall (subject to subsection (6)) be deemed to be subject to a condition that music may not be played on the premises between the hours of 12 midnight and 7.00 am.*

*(6) A condition imposed by subsection (4) or (5) shall have effect as if imposed by the Licensing Court under subsection (1) of the said section 28 or 55, as the case may be, and accordingly may be modified or removed by that Court under subsection (2) of that section.”*

**The Speaker:** Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker, I am very happy to second this amendment made by the hon. member for Onchan. This indeed was one of the subjects that I had discussed with the

minister, as I was particularly concerned about the potential inconvenience to residents living near public houses who may extend the entertaining element into the late hours. I do not think any hon. member would be pleased to receive complaints by telephone at two or three o'clock in the morning from constituents whose peace and tranquillity were being seriously affected by loud music coming from licensed establishments deep in their constituencies or, for that matter, the noise of drunken people making their way home.

I did attempt to bring forward a clause which would differentiate between nightclubs and public houses so that a watershed of midnight could be imposed on public houses in respect of music and dancing but nightclubs could, as they do now, continue providing that entertainment. This would have attracted party-goers and revellers to go to establishments which are geared up to late-night entertainment with proper security personnel and it would have enabled police patrols to be contemplated in the Douglas promenade area, as is the current situation, instead of course of being run ragged throughout the Island as they responded to disturbances causing resources of manpower to be seriously stretched.

Unfortunately I was unable to bring a proposal to differentiate between those pubs and nightclubs under this Bill and the legal draftsman drew up a clause similar to that in front of us today by the hon. member from Onchan. However, after scrutiny of both clauses I decided that Mr Cannell's amendment on balance was more appropriate to meet my concerns.

So I do hope the courts will carefully consider any application made by a licensee of a public house for an extension of music after midnight. The establishment seeking such an extension of music must, in my opinion, provide proper security and be situated well away from residential properties or I fear there will be many complaints in the form of late-night calls to hon. members, so you have all been warned. Thank you.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am very concerned about this piece of legislation. I understand the views of the hon. mover. I just do not think it is the right way forward. I will not be supporting this proposal at the present time.

I believe it is all right saying about the music side of it, but at the end of the day people have to come out of pubs, they are not going to be silent. You have got people living around in the close proximity of public houses. It is all well and good saying that people can object. It is very difficult if you are living next door to a pub and you want to object. Not everybody can put up with the hassle of having to object and having people knowing that they are objecting to a licensed facility.

I honestly feel that this is not the right way forward. Whilst I do not question the integrity of the hon. mover of the Bill - he has always believed in this free-for-all-if I had my way again I very much doubt that I would have extended the number of nightclubs that there are at the present time. As a member of this House I do not think it is the way forward and I think that this House will regret the day when we loosened the licensing laws.

**The Speaker:** Mr Corkill.

**Mr Corkill:** Mr Speaker, I rise to support the clause and to support the amendment because certainly I had certain concerns in the progress of this Bill with regard to the changes proposed regarding hours of opening but it seems to me that the main concern that people have - residents, neighbours, the general public - is more one of nuisance than noise rather than the actual hours of operating and therefore the gain from a policing perspective, from an overall organisation basis that the new clause promotes, I think will be of benefit to the Island as a whole. (**Mr Houghton:** Hear, hear.) I think it will enable resources to be utilised in a very effective way to do what the

public want which is to have a law-abiding community. So I think the fundamental aspects underlining this clause are on balance the right thing.

But the counterbalance, which is very important from where I stand, is that of noise containment. I am already aware that one particular establishment which is in the constituency of Onchan, which has been mentioned before, may well wish to extend those hours once the hours are able to be extended and I would hope that the authorities concerned differentiate the two aspects clearly, that in fact music does not necessarily have to go hand in hand with the actual licensing hours, and I think it is important that the differential is drawn and this amendment, I think, underlines that and hopefully the debate in this House will underline the fact that hours of opening is one issue to do with the serving of drink and customers, but that the issue of music, particularly loud music, needs to be addressed as a separate issue. Therefore this amendment, which actually will prevent any abuse of the changing scenario, I think is to be welcomed and I would support both the clause and the amendment to this legislation.

**The Speaker:** Mr Singer.

**Mr Singer:** Thank you, Mr Speaker. I did say at the second reading that I was not sure how much criticism there was going to be about this Bill and in fact there was very, very little criticism at all from the general public and I know that the publicans, some of them are actually welcoming this because they feel that there may be times when they wish to open less hours, when they have not got a choice to do that now, but they will be able to open less hours if they so wish, and I think the main criticism that did come was the possibility of noise and I think this is very adequately tackled by this amendment by the hon. member for Onchan.

The fact that the present hours are not automatically extended and the people will be restricted to the music hours as they are now is important, and linking that with what we heard at the second reading about the local government officers being able to control and make recommendations to the court is very important, so I do think that this amendment as here by Mr Cannell does close any loopholes that were there and I do welcome it and I will support it.

**The Speaker:** Mr Cannell to reply.

**Mr Cannell:** Thank you very much, Mr Speaker. I detect that there is broad support for this amendment which my heart is in myself as well due to our current association with a problem which has been alluded to by my hon. colleague here for an establishment in Onchan which demonstrates the need for just such a measure here, and it is strange how times change because in fact we have swung right around to the difficulty of noise rather than extra drinking hours or in fact fewer drinking hours, as can be the case.

There is no doubt that that is the difficulty which is prevalent where entertainment take place where the establishments are near to residential areas rather than as in most cases, but not all, the nightclub-type of operation is normally not directly associated with licensed premises, with residential premises, though indeed of course in some places it can be, and members are quite right to refer to the difficulty which is ongoing, which is not necessarily the noise from the entertainment but the noise of people exiting the premises at the conclusion of the entertainment regardless of the hours for the licensing for drinking which may not necessarily be parallel. There is car door banging, general bonhomie from those who have attended and general anti-bonhomie for those who have not, and it is difficult and when it goes on on more than one night now because the entertainment calls which are being made by people for the Isle of Man are such that they have the wherewithal to be entertained more than one night a week and now of course it includes Sundays as well.

So the department is very, very mindful of this, hopes this amendment addresses the issue but it will focus attention on the requirement for those who dislike any application for extensions to make out a strong case and they will need to have, as the modern parlance goes, their act together to approach the courts and to approach the noise abatement people to make sure that they can provide plenty of evidence because always the matter will be subjective. Those who are perhaps making the noise would say it is not too bad, those who are listening to it, even if it is not, still say it is worse than they would like, and the two have to be brought into account.

But I would say at the moment this is not just a new measure: there already is in place the opportunity where people who feel aggrieved by noise to actually get that addressed by the Department of Local Government.

So this amendment now should give the opportunity for licensed premises playing music after midnight who wish to extend that to have to give due notice, proper legal notice, and to provide everybody who might be classed as an interested party the opportunity to make their opposition felt and, well, that is a right which in fact no-one would oppose, I do not think.

Thank you, Mr Houghton, for your support on that one. I hope this does answer your concerns on this.

Mr Corkill of course, my hon. colleague from Onchan here, has made a mention of in fact the possibility of containment of noise and, to be frank, it is very, very difficult for those who are seeking to promote a thriving entertainment complex to satisfy the complete noise problem. It can be done, it costs a considerable amount of money, but I would say on balance then that is the minimum that we would require of such persons.

My other hon. colleague from Onchan, Mr Karran, says that it can be difficult to make objections. I am not too sure about that. You can get someone who is out of step with their neighbours but my experience of these things is that if there is a problem, usually the neighbours will band together and unite to see what can be done by the very basic human factor of strength in numbers.

Finally, Mr Singer, the hon. member for Ramsey - I am pleased to have his support for that and he is quite right to say that these moves now will not only give the opportunity for extensions but may well give the opportunity for those who have been obliged to have certain opening hours now to be able to pitch for fewer opening hours, to the mutual benefit of customers and licensees alike.

So I do hope that answers the questions which have been posed and I now formally move the amendment.

**The Speaker:** Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. Again it is a sign of the times, I think, really the limited amount of comment that there has been on this particular measure in comparison to what might have been the case even a handful of years ago and it is quite heartening that there now has been a sea change really of opinion towards this particular issue.

I would first of all like to thank the hon. member for North Douglas, Mr Houghton, for his support and his comments on the amendment. He is quite right, we have had some discussions on this particular issue and the department has largely shared his concern and my department has put a lot of effort into getting a form of words which, on the one hand will control any excess noise, unnecessarily excessive noise, whilst at the same time encouraging those people with legitimate businesses with the right level of precaution in terms of noise abatement et cetera to

carry out a later business if in fact that is what is required. I think the amendment which we have achieved strikes that right balance and I hope members will support that.

The hon. member for Onchan, as expected, has opposed it. I would just really like to mention two or three things as far as his comments are concerned, that first of all, in spite of what he seems to have convinced himself of, this particular measure is not going to lead to 24-hour drinking and in many cases it could well lead to a reduction in hours. What it will lead to, though, in some areas is staggered closing times, which will take the pressure off the streets, will ease the policing problems in certain areas and ought to, certainly in the medium term, lead to better overall behaviour.

It is also a response to the growing recognition, I think, which this House has again, I think, achieved towards the needs of consumer choice. It is to enable the people, if they wish to have a drink at night, to drink when they wish and obviously in co-operation with the licensees.

It is also a recognition that Manx society whether we like it or not, has changed over the last few years. We have a different and a much younger structure to Manx society now, and a more relaxed or more flexible, should I say, regime on licensing I think is appropriate to reflect the new make-up of Manx society.

The hon. member has commented that any extension to drinking time will cause increased nuisance in a range of areas. I would just ask the hon. member and indeed all hon. members, when voting on this clause, please look at the Bill in the round because there are 24 or 25, I think, extra measures embodied in all this which will actually tighten up on public behaviour, behaviour within the licensed premises themselves and on the street, and I think if you look at it in that respect the danger of a deterioration in public behaviour is extremely unlikely given the broad band of new powers which we are bringing in to counterbalance the relaxation of opening time.

Finally, on this particular point the hon. member has expressed his opposition to nightclubs. Again I would just ask the hon. member to reflect on the society that we have on the Isle of Man now. We have a large number of young people who wish to go out in the evenings to enjoy themselves, to dance, to have a late drink in the same way as their counterparts anywhere really in the world these days. Why is it so difficult for the Isle of Man to accept that this is a legitimate requirement of younger people, well, not only younger people but mainly younger people, but all age groups? They have a right to enjoy themselves in their leisure time as they see fit as long as it does not cause anyone else any problems and I think this is a recognition of it, and I would just remind the hon. member if in fact we carried out his proposals and indeed closed down nightclubs the amount of problems and trouble he would have on the street and in residential areas would be vastly in excess of anything you are going to have with this measure.

His hon. colleague Mr Corkill, the member for Onchan, along with Mr Cannell himself, I know have a particular problem in that area and I have had some discussions again with him on this particular issue. As I have, said I think the amendment goes a long way to resolve the concerns that he has and, if applied properly, ought to remove this difficulty in other areas as well.

My colleague Mr Singer - again I thank him for his support, and finally my colleague from the Department of Home Affairs, Mr Cannell - I thank him for moving this amendment. It is one which the department has given a lot of thought to. I do believe it will meet most people's concerns about potential nuisance caused by music and dancing whilst at the same time allowing those premises who make genuine efforts to try and contain any nuisance caused by that to extend their hours to what is considered to be appropriate.

So overall, Mr Speaker, I thank members for their support. This, when enacted, will in effect bring continental opening hours and a continental approach to licensing which I think a great

many people on the Island, particularly in the tourist trade, have been seeking for a great many years. So I would urge hon. members, please support the amendment and please support the clause. I beg to move.

**The Speaker:** Hon. members, the motion is that the amendment as in your order paper be approved. All those in favour say aye; against, no. The ayes have it. The ayes have it. The motion is that clause 1 as amended stand part of the Bill. All those in favour please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Messrs Gilbey, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Rimington, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Mr Shimmin, Mrs Hannan, Messrs Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 20*

*Against: Mr Karran - 1*

**The Speaker:** Hon. members, the motion carries, 20 votes in favour, 1 vote against. Clause 2, hon. Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. This clause abolishes the present restrictions on under-16s being in a bar on licensed premises and substitutes a duty on the licensing court to consider whether to impose a condition barring under-16s from particular rooms in any licensed premises.

Sub-clause (1) repeals two sections of the 1995 Act dealing with the presence of under-16s in bars.

Sub-clause (2) inserts two additional subsections in section 9 of the 1995 Act, conditions and undertakings.

Subsection (5) requires the Licensing Court, on granting an on-licence, to consider whether to impose a condition barring under-16s from specified rooms in the licensed premises. It already has power under subsection (5D) to impose a general condition barring persons under a specified age of 18 or under from particular licensed premises which is extended by schedule 1, paragraph 1(c) to apply to particular rooms on the premises. Subsection (5B) makes exceptions for a child of the licensee, a resident or someone only passing through the room in question.

Sub-clause (3) inserts a new subsection (7A) making it an offence for any person to cause or permit a person under 18 to be present in licensed premises or a specified room in those premises in contravention of a condition under subsection (3A) or 5(d), and sub-clause (4) is a transitional provision requiring the Licensing Court, on first renewal of an on-licence after commencement of this clause, to consider whether to impose a condition under the new section 9, subsection (5A) on the premises.

I beg to move clause 2 stand part of the Bill, Mr Speaker.

**Mr Shimmin:** I beg to second, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I was just waiting to be called to second, sorry.

**The Speaker:** Mr Cannell, you have an amendment, sir.

**Mr Cannell:** I stand corrected, sir.

**The Speaker:** Mr Cannell, would you like to move your amendment, sir? Hon. member for Onchan, on clause 2 under your name, sir, there is an amendment. If you do not wish to move it, please inform me.

**Mr Cannell:** Yes, sir, I do.

**The Speaker:** Thank you.

**Mr Cannell:** Sorry, I was mistaken there. It is a minor amendment, Mr Speaker, hon. members, forgive me. It concerns the new system by which the Licensing Court will designate places where children under the age of 16 are not allowed in on-licensed premises. The department has decided that, as the next triennial session does not come about until 2003, it is too long a period to wait for the licensing court to designate such areas. The amendment will ensure that each premises is considered in this regard with a six-month period by obliging Licensing Courts to consider whether they ought to impose conditions preventing children from entering certain areas of each on-licensed premises within six months of the Bill coming into force.

There is also an incorrect reference in clause 2 on page 2, line 28 and I would be grateful for the hon. House's permission to transpose those references. I beg to move the amendment, sir:

*Page 2 line 28, for "(3A) or (5)(d)" substitute "(5)(d) or (5A)".*

*Page 2 line 31, for sub-clause (4) substitute —*

*"(4) Not later than 6 months after the coming into operation of this section the Licensing Court shall, in relation to every on-licence —*

*(a) consider whether it ought to impose a condition prohibiting or restricting the presence in any specified room in the licensed premises of persons below the age of 16; and*

*(b) if, after giving the holder of the licence an opportunity to make representations on the matter, it determines that it ought to do so, impose such a condition pursuant to section 9(4)(c) of the 1995 Act."*

**Mr Gelling:** I beg to second, Mr Speaker, and reserve my remarks.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker, I fully endorse the amendment and also this particular clause, but the way I am reading it I just want the hon. mover of the particular clause to clarify for me that in the courts having the power to specify that a particular room can not be occasioned by a person under the age of 16, that is understandable, but my interpretation of that then is that in so specifying particular rooms you might have an establishment, say, that has four rooms, two of which are bars and two might be a restaurant where you can smoke and a restaurant where you cannot smoke, for instance. The courts under this, as I interpret it, can specify that in the two bars young persons under the age of 16 are not permitted and it would be an offence if they were found in those premises even though they might not be in possession of alcohol. Thereby is that young person then free, do they have freedom then to use the rest of the premises other than the rooms which are so specified? Will the courts, in interpreting and administering this legislation, also consider - I am sure that they will but I think it has to be said - that such licensed premises of course also have restaurants and of course you have restaurants that also sell wine and beer and spirits whilst you are there? Is there is going to be a difficulty there where families are not going to be able to go in future to have a meal, to have a bottle of wine with it or a beer or whatever because the courts might impose a restriction because there is the sale of alcohol in that particular room? How will it be interpreted by the courts and is it going to limit the freedom of families who are going out for a genuine meal with the family and might have a drink of wine with their meal?

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I think most of us will welcome any move that involves families being able to enjoy going out and being entertained altogether and I have no problems with this clause, but could the hon. mover just clarify this situation? Does this mean that if I bring my son or my daughter with me and I have got two rooms designated in a public house for young people, can I be in one room at 11 o'clock at night and the children be in another room not designated as far as that is concerned? I am just a little bit concerned about that.

This is where I do agree with the hon. mover about trying to get away from pubs being the big adult thing and drinking and abusing drink is the big adult thing to do. I have got no problems with that, but what I am concerned about in this hon. House is that we have to legislate, not for the majority, for the minority, and when I was a youngster we had a number of my friends who were outside at 10 o'clock at night, half ten at night, waiting in the winter for their parents to come out of the pub. Now, admittedly it would be better if they were in a room in the pub, I am not denying that, but what I am concerned about is I do not want to legitimise that practice as far as I am concerned and that is the only issue.

I have no problem with people going out in a family unit for a meal - great stuff, but I have got a concern as far as allowing a situation where it is possible for irresponsible parents to plonk their kids into a room that is free from what-d'you-call-it whilst they can sup at night and I do not think that is good for society. It might be popular, but it will not be good for society.

**The Speaker:** Mr Cannell, do you wish to say anything?

**Mr Cannell:** Briefly, Mr Speaker. I think it is probably pertinent to say that this is something of a reversal of the present situation, what is intended here, because at the moment you have got rooms which are designated and you have hours designated and you even have set down the type of situations in which children are permitted onto licensed premises, and that will still be the case but we will have a reverse of the situation. At the moment the exclusion of children under 16 from bars is difficult to enforce because of the lack of a clear legal definition of what is classed as a bar and indeed I think it would be fair to say - and I am sure the hon. minister will tell us - that that definition indeed has changed over the years as well because what we would know as a bar, which is purely just a place where drink can be bought and downed, in fact now has gone out to a considerably better type of establishment. So what we are doing here is to propose to change the law by this measure to permit the designation of specific areas in premises where children are not permitted. The courts will then be able to clearly specify where the children are not allowed, rather than at the moment where children are allowed and the police will be able to enforce that law.

Now, regarding the comments which have been made by particularly my hon. colleague from Onchan here, in fact you have a situation where there are places within licensed premises which I think we would applaud are set aside for children's entertainment, such as when the weather is favourable you can actually have families outside but the children can actually be despatched into a playground, as it were, and I would not think we would deplore that.

I do take the point because we are old enough to remember that children used to attempt to be placated by sitting outside with a bottle of lemonade and a bag of crisps while the parents juggled it up inside the pub. I hope we have gone a long way from those days too, particularly nowadays where they leave them sitting out in car parks. But in fact what we have got here is the opportunity for the children to be integrated into the process of becoming associated with licensed premises. It has not gone as far as some places in Europe where in fact there are no restrictions whatever. What we are saying is we recognise that people have the right to actually go to public

houses with their children, we also have the opportunity for them to be brought in in a responsible manner to I would not say learn the craft but actually to become associated with what licensed premises entail in a properly regulated manner and of course there is also the opportunity for them to go onto the licensed premises with not only their parents but with suitably responsible adults, be they the parents or not.

So I think we do answer this more properly here by having this reversal of the present system where children are permitted into certain rooms. They are the main rooms of the establishment, but they are only supposed to be while the meals are being taken. What we are talking about here is the opportunity for children who may, in fact in the main in the Isle of Man, I would suggest, probably be the children of visitors who are unable to leave children at home or leave them in hotels and why should they? So within reasonable hours, under reasonable control and with the police able to intervene I think in fact we are answering the problems here of the integration of youngsters into licensed premises in the Isle of Man.

Certainly the facilities for having children within premises have been addressed by the people who run the establishments. Great strides have been made for that and we are certainly a long way from the days when we will be opening the entire premises where children can go anywhere, because I do not think there is anything more disrupting than to have people who are trying to have a quiet night having kids running round between their knees all the time. They would have to be actually under the controls which are proposed in this amendment. So with that, sir, I formally move.

**The Speaker:** The minister to respond.

**Mr Bell:** Thank you, Mr Speaker. I think my hon. colleague for Onchan has answered the various points quite ably but I would simply just finally add that this is an attempt to clarify a situation which has been causing the Licensing Court in particular, as well as the police, some considerable concerns now for a long period of time and they will now be able to designate quite clearly which rooms under-16s will be able to go into and which areas are strictly banned for them. This will make it very much easier for the police to interpret any situation when they are called to a premises and it certainly will not in any way prevent children going with their parents or going with adults to a restaurant or an eating area within a licensed premises. It is the intention to exclude them from a bar area, as we understand it, not from a restaurant area at all.

But it will bring clarity to a situation which has been causing problems now, as I say, for some considerable time and I would urge again, hon. members, please support the amendment and the clause.

**The Speaker:** Hon. members, the motion is the amendment to clause 2 as set out on the order paper. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Now, the motion is that clause 2 as amended stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 3, sir.

**Mr Bell:** Clause 3, Mr Speaker, enables the licensing court, on an application by the police, to cancel a licence if it is satisfied that the licensee has ceased to be a suitable person to hold the licence.

Sub-clause (1) adds a new subsection (2A) in section 12 of the 1995 Act, enabling the licensing court, on an application by the police, to cancel a licence if it is satisfied that the licensee has ceased to be a suitable person to hold that licence, and sub-clause (2) requires the court to give the licensee a hearing before cancelling the licence under the new subsection (2A).

I beg to move clause 3 stand part of the Bill, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second and reserve my remarks, Mr Speaker.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I would just like to ask the mover. I have got no problems with this clause but I am just interested to know what happens as far as a licensee is concerned if a licensee who is a manager has a dispute with the manager, with the brewery that owns the premises? Does the Licensing Court get involved with that? Can the licensee, the existing licensee, object to them offering a new licence to somebody else? Does the Licensing Court get involved if there is an employment dispute or anything like that? I just wondered out of interest.

**The Speaker:** Mr Bell to respond.

**Mr Bell:** No, Mr Speaker, that is not the situation. This clause really relates simply to the circumstances in which a particular licensee has operated his premises or whether in fact he has broken the law in the process. It is not to be used as an arbitration process between the licensee and the employer, whether that be a brewery or a private owner of it. I hope that answers the question, Mr Speaker. I beg to move.

**The Speaker:** Hon. members, the motion is clause 3 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 4, sir.

**Mr Bell:** Clause 4, Mr Speaker, replaces the existing section 25 of the Licensing Act of 1995, which imposes restrictions on the licensee or designated official being absent from the premises, with a new provision making the licensee or official, or a person approved by the court in his absence, personally responsible for the conduct of the premises and requiring at least one such person to be present on the premises when they are open for sale of liquor.

Sub-clause (1) inserts a new section 25 in the 1995 Act. Section 25, sub-clause (1) specifies the persons who are personally responsible for the conduct of the premises. This is important not only for the purposes of this section but also for purposes of section 35 and 68. They are the licensee if he is an individual, the designated official who has to be nominated under section 8 if the licensee is a company, and an individual approved by the court if the licensee or designated official is absent. It should be noted that two or more individuals can be approved in relation to any premises if indeed the court sees fit.

Section 25, sub-clause (2) requires at least one of those persons to be present at any time on the licensed premises, except in an emergency. If not, the licensee commits an offence and the court can, even if the licensee is not prosecuted, suspend the licence.

Section 25, sub-clause (3) enables the court to cancel the licence instead of suspending it if it has already been suspended at least twice in the previous five years.

Section 25, sub-clause (4) requires the court to give the licensee a hearing before suspending or cancelling the licence under subsections (2) or (3).

Sub-clause (2) makes a consequential amendment to section 35 which gives the licensee, designated official et cetera power to refuse admission to and expel persons from licensed premises, to ensure that the power belongs to the person who is, at the relevant time, personally responsible for the conduct of the premises under section 25, sub-clause (1).

Sub-clause (3) is also consequential. Section 68 imposes the same criminal liability for misconduct on licensed premises on the licensee or the designated official and the person in charge of the premises in their absence. This amendment ensures that the liability is imposed on

the person who is, at the relevant time, personally responsible for the conduct of the premises under section 25, sub-clause (1).

I beg to move clause 4 stand part of the Bill, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg leave to second and reserve my remarks, Mr Speaker.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker. Yes, I am quite pleased actually under this particular clause, under (3)(2)(b) to see this new provision whereby the court can actually cancel a licence if there have been at least two offences in the last five years in respect of any provision in the Act. This is what it is saying: 'Where the court has power under subsection (2)(b) to suspend a licence, and has already suspended the licence under any provision of this Act at least twice in the previous 5 years, it may by order cancel the licence.' Of course then it continues, as the hon. mover said, that the person who the licence is to be suspended against then can make representations to try and explain the situation.

This is going to be very useful because there have been occasions within my constituency in particular where licensed premises have been a real nuisance and obviously the premises have not been managed by that particular individual, who on two occasions has not been the licence holder in fact, it has been a manager so appointed, but has not really managed the premises in the way in which the original licence holder intended and in fact it has been an unruly house on several occasions and the police, of course, their hands are bound and they really cannot do anything about it other than to come out in terms of trying to put to rest the public order situation. So I think this is a good penalty to have in this legislation.

What I would ask, though, is in respect of (3) it says that it may by order cancel the licence. For what period of time would they be enabled to cancel that licence for? Would it be a cancellation for ever and a day? Would it be cancelled for just a period of time? Would the court have the flexibility to actually cancel for a period of time as a way of punishment or would it be completely cancelled and so therefore that licence holder would not be able to reapply or make an appeal so many months later et cetera, et cetera? Or if it is the case that the licence is cancelled, full stop, against that licence holder, then surely, as I understand it, if a new licence holder were to apply for the same premises, then that would be treated as a new licence application. I am just wondering whether or not there is any time in respect of the cancellation, any limit on time or does 'cancelled' just mean that is it: it is dead? Thank you.

**The Speaker:** The minister to respond.

**Mr Bell:** Thank you, Mr Speaker. The purpose of this clause really is twofold. It is obviously to reiterate and stiffen, I suppose, the management of a lot of the licensed premises but it also is a recognition that if in fact, because of the relaxation of hours now, certain licensed premises stay open perhaps until the early hours of the morning, it would be unreasonable to expect a single designated official to be personally responsible for a building or for an operation perhaps from midday until two or three o'clock in the morning. This gives some flexibility to the court now to approve further designated officials, so there may be two or three designated officials, on a shift basis, for example, over a longer period of time. This way there is a guarantee that there will always be a single person personally responsible on that premises, even where there is an extended opening period, and we feel that will be more beneficial because clearly if we only have the single designated official, it is physically impossible at times to expect people to be on the premises constantly for those long periods and therefore the quality of management and supervision is likely to slip as a result. So we hope this is a way of stopping that.

My understanding is that if a court cancels the licence, it is cancelled. That does not necessarily preclude a further application then for a renewal of the licence, but if a licensee had his licence cancelled, that would be an end to it. There is an appeal process. The licensee will have the ability to argue his case at the licensing court, but apart from that, once it is cancelled, it is cancelled. I beg to move.

**The Speaker:** The motion is that clause 4 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 5, sir.

**Mr Bell:** Clause 5, Mr Speaker, limits the scope on the prohibition of the sale of liquor on credit so as to allow the sale on credit to residents and sale on a credit or charge-card. Section 27 of the 1995 Act prohibits the sale of liquor on credit.

Subsection (1) penalises the licensee and subsection (2) penalises the customer.

Subsection (3) gives an exemption in the case of liquor consumed with a meal and paid for at the same time as the meal. This clause replaces subsection (3), repeating the existing exemption as paragraph (a) and introducing two new exemptions. The two new exemptions are (b) sale or supply to a resident so that his drinks can be put on his hotel bill and (c) sale or supply which is paid for at the time of the sale or supply by means of a credit card or charge-card.

I beg to move clause 5 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second, Mr Speaker, and reserve my remarks.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I have to say that out of all this Bill, this is the one thing that disturbs me the most. I think that this House is foolish in the extreme if it agrees with the fact that you can now pay for your liquor over a bar by credit cards. The situation is I am fully aware that you can buy your alcohol from an off-licence, but there is a big difference when you are talking about £10 or £12 for a bottle of whisky and you are talking about more likely six or eight drinks for the same amount of money over a counter when you could be rather drunk.

My simple play is that we legislate for the benefit of the minority. The majority of people can get on with their lives and will stay on the right side of the law. I think it is a retrograde step if we allow this to happen. I just think that we are asking for problems as far as this is concerned.

I think it is bad enough when you have an alcohol problem, especially if you have to do the weekly shop, to have to go down two aisles in your supermarket with all this booze jumping out at us, and it is all right for us, we have not got the problem, or at least we keep it quiet if we have.

The situation is we are legislating for the minority and I believe, just as that has not helped the situation, it should have been what-d'you-call-it, and I know that is a separate issue, I think it is lunacy to allow a situation where you can end up in a nightclub or whatever, to whatever time of night, and you are throwing your card over, as I say, and you have not a clue in the morning, and if you have a drink problem, you are forcing these people further and further into debt.

I know I sound a right ranter, which does rather concern me, but I do feel, as one of the ones who were always for anti-hanging - and all that sort of thing - I do feel that we are making a big mistake here as far as this is concerned. I hope hon. members will throw out this clause and keep the status quo. I honestly believe that you bring laws in to protect the weak and I believe, at the present time, to allow you to have a situation where you can go down there as a young lad with your credit card, down to what-d'you-call-it and throw it over the counter and whatever is not the way forward and we should not be encouraging it, especially when we are talking about 20 or 22

per cent interest rates on this, and it is all right my good friend from across there looking at me bemusedly as ever from Rushen, but the fact of the matter is we have to make legislation to help society and I honestly believe that this is a wrong way forward. We should not be allowing alcohol to be purchased on the slate.

Years ago the ranters, as I say, one of their biggest arguments was about the slate and I know as a child that many of my mates of my age, if their mothers did not get to them before 7 o'clock or 8 o'clock on a Friday night, the housekeeping was gone. What we are having here is a situation where we are starting to bring that back, maybe to a lesser degree because the fact is that women today are liberated and will not put up with that sort of nonsense, and when I first came in this hon. House we could not even put court orders to keep violent partners away from them and that is in 15 years.

Things have improved, I am not arguing that fact, but I do think it is wrong, and whilst I have great sympathy for the hon. mover, he believes in this and he believes in this free-for-all, and that is fair enough and I respect his right to produce legislation as the Minister for Home Affairs, but I believe that you are helping to augment more social problems in society, not just with young people who get full and hand over a credit card, but where you have people with a problem. I just cannot believe that we can allow a situation. People get into a problem, they go out for a burn-out and the following morning they find out that the following month they have a large bill on their credit card and if they cannot pay it, there is 20 per cent slapped on it per annum, I am saying. I really think this House is doing a disservice to society. It will not affect anybody in this House more than likely, but we are not legislating for this House.

I believe that this House is wrong to support this clause. I would like the mover to explain to hon. members what would be the problem as far his piece of legislation is concerned if this clause does not go in because I believe that this House should not support this clause. This, to me, is so wrong. I am prepared to accept the rest, as I say, and we will see who is right over the rest, but this is a recipe for disaster, it is a recipe for encouraging more and more people to get into debt in my opinion and the very people who cannot get out of debt, who have a hard enough job keeping out of debt.

So I do hope this hon. House votes against this clause because, as far as I am aware, it does not make any difference to the legislation. He has got his free-for-all, but he should not have a free-for-all as far as people being able to use credit cards over a bar. It is wrong. It is bringing back something. It has dissipated, but it is still a problem. In my childhood, as I say, it was a major problem, today it is not, but bringing this back I think is wrong. You should not sell alcohol over a bar on credit in my opinion.

**The Speaker:** Mr Singer.

**Mr Singer:** I think I have heard the hon. member. He does sometimes talk in ways that we do not quite understand and I think certainly he has excelled himself just now because what he should be saying is that, in order to save people going into credit or wanting credit, there should not be any cards at all, that all cards should be banned because anybody, whether they are drunk or not, can go and use a credit card and if they go into debt, then that is something we should worry about but they do not just go into debt because they are drunk.

The hon. member has painted a picture of drunks lined up against a bar with a shower of credit cards going across because they are all drunk, which is totally untrue because it makes no difference whether somebody who is drunk is paying in cash or is paying with a card - if they cannot afford it, they cannot afford it, and certainly nowadays there is so much security on cards

that a person has to sign it first of all and if they are so drunk they cannot sign the slip, then they are not going to get the alcohol anyway.

But cards, I am afraid now, whether the hon. member likes it or not, are legal tender and buying with a card is not, I would say, buying on the slate. You bought on the slate when you did not have the money, but the fact is that the card nowadays is money and they are now today's legal tender, and, as I say, paying over the counter with a card, the system is so sophisticated now that the card will be rejected if the credit is not there.

So I do think that the hon. member is going over the top. I do not think it will make any difference. If somebody wants to go and spend their money, whether it is cash or a card, they will spend it whether they can afford it or not. Most people nowadays, for security reasons, do not carry a lot of cash in their pockets: that is what the card is for.

So I hope that members will support this Bill. I do not think it is doing any harm, I do not think that the doomsday scenario that the hon. member is painting is there and I think that if he wants to stop people getting credit, then he wants to seek the banning of all cards, but not just in this particular case.

**The Speaker:** Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I happen to agree with the member of Onchan, with his concerns. I think (a) and (b) are fine because it is sold with a meal and with wine and also somebody who is on the premises, so if they are staying in a hotel they can get a sale on credit and I think that is fine, but I think any place where you can actually receive drinks in exchange for credit cards has to be a concern. It is a matter of getting it on the slate. Not all cards have that security built into them, that only supply when there is money there. That is a very sophisticated operation.

Lots of people, when they go out for a Friday, Saturday night, take the amount of money that they have got to spend and over and above that, then they have not got anything more. What this is saying is, 'Well, you don't need any money, you can just hand your card over the counter whenever you want', and I think that is a wrong message that we are giving.

The mover said, moving this legislation, that we have a younger society now, the make-up of Manx society, they have a right to enjoy themselves, and I believe that they have a right to enjoy themselves, but I think it is within certain areas, and certainly up until now you could not get credit, you could not get a drink - this was the law - over the counter unless you actually paid cash for it, and when people are out in pubs I believe that that should be the case. That could have been differentiated within this legislation. It could have quite clearly said within a supermarket or liquor store or whatever that it was possible to use a card but not in a public house or whatever. It does not say that, it says virtually anywhere you can use a card, and I do not believe that every card is legal tender. I believe some places will accept. Whether licensees will want to accept cards and have them signed by people. . . I have heard young lads talking, 'Did you have a good night out last night?' 'Oh, yeah, it was brilliant.' 'How much did you spend?' And the amount of money that they spend is quite frightening. Yes, it is the younger make-up of Manx society, but they know how much money they have got in their pocket, they know how much money they have spent but once we get into credit cards for alcohol I think it is a slippery slope and I think we can pretend to ourselves that we could control that, as the member for Onchan has said, but not all people can and not all people have money to finance their card.

So I think we should be quite circumspect where this is concerned and I think we should vote this out and ask the minister to bring back a clause covering the first two parts and maybe liquor stores where you would pay -

**Mr Karran:** The stores are allowed at the moment.

**Mrs Hannan:** - but not public houses. I believe that there should be two separate issues there. Thank you, Vainstyr Loayreyder.

**The Speaker:** The member for Ayre, Mr Quine.

**Mr Quine:** Mr Speaker, I spoke in fact at the second reading, if I recollect, supporting the hon. member for Onchan with this. I think he has a good point here, but the question is how do you strike a balance between what is now a recognised need and a fairly well accepted practice and differentiate between food and drink, particularly when some of the bills are going to be charged to food and drink is part of the one order?

So I do feel, as has been said by the hon. member for Onchan, in fact I think well put across by the hon. member for Peel, that we are suggesting three steps in this and I think part (c) is one step too far. I think it is part (c) which is the provision that could give rise to the fears and the dangers which have been spelt out by the hon. member for Onchan.

On reflection I suppose one of us should have moved an amendment and I certainly did not reflect on it in sufficient time to do that. I think on balance I will probably support the clause, but I will certainly be speaking to some members of another place in the hope that perhaps they might, even at this late stage, think about part (c) and what can be done with part (c).

But I am not happy about this. I share the views of the others that have spoken that the idea of going into a licensed premises and being able to order drink across the bar, as I read this, and use a credit card or charge-card is not a safe practice, it is not a prudent practice and it is open to abuse.

But we have come this far and quite honestly I have not given notice of any amendment, so I think that is as far as I could take it at this point in time, but I do hope that when it arrives at another place this matter can be revisited.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Yes, thank you, Mr Speaker. I understand the fears that there are about boozing on credit cards. I forecast and have done for quite some time that eventually you will actually insert your credit card into a slot in the bar and get the appropriate drink dispensed by that. I would deprecate that, with some of the lovely young ladies who have previously performed the service and hope that some will continue to do so.

But we are a long way down the road from being suspicious of credit cards, I am afraid they are here to stay, and there are not only credit cards where you pile up a bill, and if you can pay for it, as the old style Manxman would do, pay every month so you do not actually incur any credit charges, there are now debit cards as well which directly deduct the amount from your bank account, and if there is anything which illustrates what happens to the young people, because although I am not one of them, I still see them in action, you see them and they are all standing at the cash vending machines pushing their cards in and drawing out the cash, the cash is then put over the bar, so what is the difference? *(Mr Karran interjecting)*

I do recognise in response to some of those who have expressed concerns, I think there will be some extremely interesting conversations in some households when the bills come in, and it is not just the men, do not run away with that for one moment, when the ladies have chalked up their credit as well, and there will be an examination of the details of where all the money is going and probably it will be quite lively until it settles down, but at the end of the day all you are doing is a different form of paying for the same commodity or service. I am sure the argument was similar

before in fact there was cash. I am not quite old enough to remember that, where you actually passed over goods in exchange.

But why is there such a worry about credit cards for paying for a service? It is a question of responsibility of use for them and I think that it may well be to the benefit of the licence trade, though they will have to smarten their act up if you are just going to buy ordinary rounds of drinks because such is the pressure on bars that in fact by the time they have put the card through and got the people to sign the slip it probably will be a hold-up till they get it together, but there are many organisations where you go now and even on the most modest of cruise ships you hand your credit card in at the start of the voyage and they take a print of it and offset that against any debt you incur and for each drink or food or goods or entertainment that you do, you are charged to that credit card, the whole thing is running on it.

I know it is even difficult for me and I cannot understand how people in the Isle of Man manage to buy things which I do not think I can until it is explained to me by those who are more enlightened that all you do is put your credit card against this service and you never pay it. You get a bill once a month and you just pay the statutory minimum which you are required to pay and you go on paying that, but certainly in my case for the credit cards that I run, I get a bill and I am told, 'We want this by the 16th', and I pay it on the 16th and never a penny has gone through to their benefit, of incurring what my hon. colleague here says is a 20 per cent hype. I do not think it is as much as that but even so.

**Mr Karran:** It is.

**Mr Cannell:** Well, it might be on an ongoing basis over the year. But it has always been the case that you buy your drinks with cash or with cards and this notion of someone standing at a bar and somehow just about managing to stagger their card over the bar to get even more amounts of drink when they have more than sufficient, there is an obligation on licensees, quite clearly defined, that in fact anybody who is viewed as having had sufficient will actually be rejected for further service, or indeed it is also an offence for someone to do that on their behalf, to fill them up with more drink, so there will be and I would welcome it in certain respects because although I do not like the big brother and CCTV monitoring us every step of the way, it will be possible, where people are actually committing criminal acts and things, for their process around the place to be tracked in such cases and that will be a good thing. So that is a side benefit of it, that in fact they can now tell you exactly where you were at certain times by when you registered your credit card. It is quite unbelievable really that you place a card into a computer slot and it records your time of entry of that card. Many senior criminal cases have been resolved by just such a notion where in fact they say, 'Well, you say you weren't in this town but in fact you withdrew a certain amount of money from your cash dispenser', and when people have lost their cards they can easily trace if anybody has utilised those cards and in fact prove whether somebody has gone missing or perhaps has been abducted or murdered and they say 'Yes, their cards were stolen as well and they were used at such and such a premises.'

So, without getting into the realms of fantasy, this is just a modern-day way of living. I know it is a long way from the old days of going out with ten bob on a Saturday night and coming home with change. I have actually written down, 'I couldn't believe it happened, but I have managed to get it to nine and five pence out of ten bob.' So I was coming home with seven pence in the old days.

**A Member:** That was for petrol!

**Mr Cannell:** Who is sitting in here without a wallet full of them? I have got half a dozen different types of card, not necessarily cash credit cards. You pay for your phone and you pay for

just about everything and you have cards that give you discount and you have cards for every purpose, and this is modest. I see some of the young people out on a Saturday night and they drop them down like this and there are 16 or 20 credit cards. Good luck to them. And I also concur with the view that was expressed earlier on, in fact it is quite unbelievable when you say to somebody on a Sunday night, 'How did you get on Friday and Saturday night?' 'Great night.' 'How much did you spend then?' 'Two hundred pounds.' 'What!' But that is the way it is and good luck to the people who can afford to spend that amount of money on being entertained because, as I keep on repeating, we have all seen the days when you could scarcely afford to buy a bag of crisps. So credit cards, yes, and let us get on with it.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker. Well, the previous speaker ended on 'Anybody who can afford to go out on an evening and spend £200 - good luck to them', but I think the concern expressed here today is for those people who spend £200 but really cannot afford £200 and the reason why they cannot afford £200 is because they are regularly feeding a drink habit which we are failing to address as a society on the whole. That is the concern -

**Mr Cannell:** They are buying cigarettes too.

**Mrs Cannell:** But let us just look at this particular issue. Credit cards are a popular tool of today and they are used to purchase a number of things. One can go into an off-licence and buy alcohol on credit, one can go into a supermarket, a garage, a shop and buy alcohol on credit, one can go into a restaurant and pay for a meal and alcohol on credit, but I have not yet witnessed a person going into a general bar of a public house and paying for alcohol on credit.

**A Member:** It is illegal.

**Mrs Cannell:** Quite and obviously there has been good reason for that. I do not see any harm in someone having a meal, then moving into a bar, having a few drinks and then going back to the point where they started to pay for their bill with a card, which included their drinks with the meal, but when it is just alcohol by itself I too, I am afraid, have to share some of the concerns expressed here today.

In addition, of course, if this is passed today, I cannot see for the life of me the proprietors of public houses running out to get in the necessary equipment that will be required to process credit card exchanges for the purchase of alcohol over the bar and as slightly alluded to by the previous speaker, good public houses on a Friday and Saturday night are so rushed off their feet and busy serving customers I cannot see that they are going to have the time or indeed the desire to have to stop and process credit cards and then try and find the client that originally gave them that credit card to get the signature because very often on a Friday and Saturday night, as I understand it, people at the bar can be three or four deep, so popular are our public houses of a weekend.

**Mr Quine:** They can't even sign their signature.

**Mrs Cannell:** I think we have to recognise here that when we are dealing with credit cards it is the young people who are targeted all the time. I am for ever receiving junk mail through my letterbox inviting my young sons, once they reach the age of 15, 16, to acquire a credit card from this bank, that bank or the other bank and also encouraging them to take out loans, loans all over the place. We are being choked on loans, free this, free that, free the other, pay everything on credit. What they are doing, of course, and what this House will be doing if it endorses this particular clause at this moment in time is it will be endorsing a society of today and in tomorrow of living on readies. That is what it comes down to, 'Let's all live on readies - live now, pay for the

moment in four weeks' time and to hell with it if you cannot afford it.' That is the message I am getting and I do not think it is a responsible way of dealing with the problem.

We cannot encourage the vulnerable to be exploited and that is what this particular section of this clause does, it legitimises exploitation of people who have alcohol problems by making it more easily available for them, in the knowledge that they cannot afford it but they will have a month's grace, and we are also legitimising abusing young people and making them start off life as adults knowing that they can live on readies. If they have got a card, they are going to be fine, they will be okay because they only have to cough up for what they have spent a month later and they will think about that time when they get to it. It is encouraging irresponsibility when we are supposed to be moulding and putting down future legislation, moulding and fostering a thoughtful, caring and intelligent society for the future and I do not think that this part of the clause, in particular (c), is the way to do it.

We heard an example by the previous speaker of cruise ships. Well, obviously the member is having a wonderful life in this particular job because not only has he a string of credit cards but he now knows what the working examples are on cruise ships, so, good luck to him, if he has got it and he can afford it, and he also, of course, does not have any difficulty in paying his credit bill. good luck to him. I am sure we all envy his position. But let us put this into perspective. A cruise ship dictates the law of the jurisdiction of the sea in which they sail and that failed to escape the previous speaker because he never mentioned it. *(Mr Cannell interjecting)* If a ship is sailing in seas that come under the United States law, then a young person cannot be served in the bar on any of those ships or within any of those bars unless they have attained the age of 21 years.

**A Member:** How do you know that? You have been on a cruise.

**Mrs Cannell:** I do a lot of reading. I do not cruise but I read about them, hoping one day I may be able to afford one. *(Interjections and laughter)* Mr Speaker, that is the situation - if you are in the sea and you come under the USA jurisdiction, a young person who has not attained the age of 21 years cannot buy an alcoholic drink, it is against the law, but of course, as soon as that ship has left that particular territory and gone into a more liberalised regime, then the law changes. That is how it works on cruise ships, as I understand it which can be quite frustrating, I understand, for its patrons. *(Interejctions)*

**The Speaker:** Hon. member, can we keep to the Bill and just dream about cruise ships. *(Laughter)*

**Mr Karran:** She is in a bad way if she is dreaming about Geoff being on a cruise ship! *(Laughter)*

**The Speaker:** Hon. members.

**Mrs Cannell:** Clause 5, subsection (a) is fine. I do not have a problem with that because it is practical. I mean, this more or less legitimises what takes place now. If you are having a meal and you are having a drink you can pay for them at the same time and you can use the credit card - fine, that is practice now.

Subsection (b), as one of the previous speakers, the hon. Mrs Hannan said, is fine because that caters for anybody who is staying in a hotel and of course obviously wants to pay their bill at the end of their period of stay - fine, no problem with that.

Subsection (c) it says, 'is paid for, at the time it is sold or supplied'. Now, we had comment earlier from the hon. member for Ramsey, Mr Singer, who said it is rubbish to suggest that the person might be too drunk to sign their counterfoil for their purchase, but of course subsection (c) provides that it can be paid for at the time it is sold, not the time it is consumed, but at the time it is

sold or supplied, so it would not necessarily come at the end when they had consumed all that they had been supplied for payment. They may buy a drink and pay for it. They may buy half a dozen drinks, one for themselves and their friends, and then pay for it by their credit card. So I do not believe that there is any merit in trying to rubbish the anguish expressed by a previous speaker.

But just to finish and sum up, Mr Speaker, and I really do have to say something about this, that there was a comment made during this debate, rather a sexist comment, regarding the 'lovely young ladies who serve behind the bar'. I would like to balance that comment by saying equally there are lovely young men who serve behind the bar. Thank you, Mr Speaker.

**The Speaker:** Mrs Crowe.

**Mrs Crowe:** Just to get back to a little reality, Mr Speaker, there is no-one more concerned about the amount of debt on this Island than I am but I do not feel that our debt counsellors will be overburdened by voting for this particular clause.

**Mr Karran:** People will be too drunk to go there!

**Mrs Crowe:** That is not the case and debt is a very serious and it is an increasing problem. If a person can give a credit card over a bar and they have not reached the credit limit, then it will be accepted for payment. Equally that same person, if he wanted to purchase alcohol and had a credit card, could go outside the door, put his card in the machine if we abandon this clause and get £200 which would be generally the amount that would be withdrawn on a credit card from a hole-in-the-wall machine. So it makes absolutely no difference whether one pays by a credit card or whether one is forced to make a few steps outside. It may be a convenience to some people who do not wish to carry cash and I am sure there are plenty of people nowadays that take the advice of the constabulary and do not carry pockets full of cash.

So I just wanted to make it absolutely clear that if there is a credit card in one's hand and the credit limit has not been reached, it is immaterial whether you pay for it with a card or you go outside and extract cash from a machine to whatever the limit is that is allowed.

**The Speaker:** Sir Miles Walker.

**Sir Miles Walker:** Mr Speaker, an interesting debate but surely it is not illegal at the moment for somebody to purchase alcohol in a pub with a credit card if he wishes to do so. I think the difficulty arises if the landlord finds that he has not been paid by the credit card company, then he cannot pursue the individual who has paid by credit card through the court, and my understanding of that is in the old days it was a debt of honour and it happened for gambling and for the purchase of liquor and you could not pursue those debts in court.

It seems to me that this Bill and this clause are just facing up to the reality of modern life (**Members:** Hear, hear.) and I think we have to accept that this technology is now in place. Some of us do not like it very much, I guess most of us have got over the fear of it and it is part and parcel of our lives. The thought that I can buy a pint of guinness in the Colby Glen on a Saturday night and be served by Susie and it comes up on the till -

**Mrs Crowe:** Or Simon!

**Sir Miles Walker:** Or Simon (*Laughter*) and that information is known in the brewery as I am paying for it is frightening, but it is a fact of life, it is happening.

**Mr Karran:** But it is not on credit.

**Sir Miles Walker:** It may be on credit. That is, as I understand it, and will continue to be entirely a matter for the landlord. If he says, 'No credit', or 'No credit cards' or 'I won't accept

cheques', then he is in the cash business and people cannot tell me that for generations individuals who are short of money have not been putting booze on the slate. They jolly well have. I have done it in my time and I am sure that it is happening now.

I really do believe that a properly organised credit card system, which is what most people are trying to promote, is in fact not a bad way forward and I think we should face up to it. This is an opportunity to put it into modern legislation and I am supportive of it.

**The Speaker:** Can I call upon the mover to respond? Mr Bell.

**Mr Bell:** Could I first of all, Mr Speaker, thank the previous two speakers for bringing a degree of common sense back into this debate. We really do wind ourselves up into some amazing frenzies. (**Mr Houghton:** Hear, hear.) Some people tend to assume they possess the moral high ground permanently.

This is a very simple measure which we are trying to bring in. As the previous speaker has said, it is recognising modern realities of how people pay for their commodities, whether it is alcohol, clothes, whatever it might be. We are recognising the situation or the contradiction, in a way, which exists at the moment. For example, you can pay by credit card for alcohol with a meal or if you are in a hotel, the same thing, but if you buy drinks separately in that situation you cannot. Now, this does not make sense at all. What we are trying to do is to adopt a mature approach to modern-day credit payments.

The intention is to recognise not only that we still have a certain number of traditional bars over here but increasingly we are moving towards a cafe bar type of society where bars are now mixing and matching, they are selling alcohol, but equally bars now frequently sell food and are in fact mini-restaurants in themselves, but they are still looked on as bars where currently at the moment they cannot use their credit cards. It is our intention to bring in this facility to recognise the changes which have taken place in that method of retail.

It is also primarily aimed at those people who we see increasingly now in the bars where there may be office parties, there may be groups of people having nights out or whatever with a single fund to pay for it, to enable them to pay by credit card.

I would remind hon. members what section (c) says in the clause, or the intent is that the new exemption includes section (c) which alludes to the sale or supply which is paid for at the time of the sale or supply by means of a credit card. Now, that does not mean one individual sitting in the bar all night supping his pints and paying at the end of the night, it is not encouraging the establishment of a slate. If we were to believe the comments of Mr Karran, the individual would be sitting at the bar paying for his pint, pint on pint with a credit card. Now, credit card companies charge retailers commission and there is a minimum retail sale in virtually all these cases and it is certainly a lot more than the price of a pint. So the sort of areas that everybody is getting so het up about could not exist anyway because it would not be viable for the retailer of alcohol, whether it is a bar, cafe bar, whatever it might be, to operate on that basis.

In very few bars are they able to run up a slate and it will encourage or enable those, as I say, who are out on an office party or a Christmas party, whatever it might be, to pay the cost of that night out on the credit card instead of having to take large amounts of cash with them to pay for it. They do this in England. I was in London over the weekend where exactly this happened and there was no problem whatsoever with it, it is an established process there, but it is not encouraging alcoholism, it is not encouraging 15 and 16-year-olds to go running off to the pub because they have just got hold of a credit card. All the present legislation stays in place. All we are doing is amending a small part of the legislation to recognise modern reality and that is people now use

credit cards every bit as much as cash. We are heading slowly towards a cashless society and this is a recognition of it.

Mr Speaker, I am not going to go through all the points which have been raised. Members, I think, have a clear idea of what the true position is. We are, as I say, not encouraging alcoholism. There will be no flexibility for under-age people getting hold of cards and using them in the pubs, as I have said. It is just simply a recognition of changing tastes and changing methods of payment and that is all this is about. So I leave it to hon. members to make their decision and I beg to move.

**The Speaker:** Hon. members, the motion is that clause 5 stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Messrs Gilbey, Rodan, North, Walker, Mrs Crowe, Rimington, Houghton, Henderson, Braidwood, Shimmin, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 16*

*Against: Messrs Quine, Mrs Cannell, Mrs Hannan, Mr Karran - 4*

**The Speaker:** Hon. members, the clause stands part of the Bill with 16 votes in favour, 4 votes against. Clause number 6, sir.

**Mr Bell:** Clause 6, Mr Speaker enables the licensing court, in proceedings concerning a provision of an on-licence allowing music and dancing under section 28 of the 1995 Act, to call along the expertise of environmental health officers of the Department of Local Government and the Environment as to noise levels and measures to reduce noise. The court can call for a report and the department is required to provide it. The power is available on application for such a provision or in proceedings for its variation or revocation.

I beg to move that clause 6 stand part of the Bill, Mr Speaker.

**Mr Cannell:** I beg to second and reserve my remarks, Mr Speaker.

**Mr Corkill:** Mr Speaker, just to reiterate the comments I made earlier, that I have faith that this clause 6 will in fact deliver the balance that this Bill requires with regard to music.

A point I would wish to eke out is that with regard to the Department of Local Government and the requirement to produce a report, there is a time requirement in the way that that information is gathered. Time does go by sometimes before an action can be assembled, as it were, and that can, of course, leave a period of time when disturbance can occur. So the point I wish to make is that, in supporting this clause, I am also hopeful that the Department of Local Government will expedite efficiently the issues that are brought to it with regard to noise abatement.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I think this House is viewing this piece of legislation through, as the saying goes, rose-tinted glasses because I honestly believe that we are not living in the real world. I was disappointed in the mover's response to the reply to the previous clause as far as I know what the true facts are of what he was proposing. I am appalled in the way that that has been allowed to happen and I shall be opposing every clause and dividing on every clause on this Bill because I do not believe that is the way if people put legitimate concerns. At the end of the day if I had a house next door to a public house, then I deserve, if I am going to have a situation where it can be changed and, yes, some pubs are going to be shortened and other pubs are going to be open for longer hours. The point is that I believe that we need fuller responses from the mover as far as that is concerned. This is an important issue and some of us might be bringing up issues that affect the minority in our society. We have a right to do so.

I still express a concern on this clause. It would be a very brave individual who lives next door to a pub who then objects to a licence being open to two or three o'clock in the morning. I think they would be extremely brave with the way things are. People do not like hassle. As a person who lives next door to a former pub I am perfectly happy. I would love the day that they open the hotel back as a public house instead of a posh restaurant, so I am not looking from a viewpoint of myself, but I am looking from a viewpoint from my constituents that it is not going to be easy for individuals to object and it is not going to be easy with the pressure that is put on individuals as far as objecting to a licence when they live in a community if there is an unreasonable and noisy place.

I really do think this House is not living in reality and I am glad, with the hon. member and the usual sort of remarks that we get, that maybe I live in a different place to many in this hon. House, but I question the issue that you raise as far as people living in the real world. The real world is our constituents will find it very, very difficult to turn around and object to a noisy next-door-neighbour especially when they have got teenage kids and everything else. I can just imagine the problems.

I know in my constituency where I have a pub where some of the locals could blame where the brewery let these in because the fact is they spend over the counter. That is what the licensing trade is about, it is about making money, and I believe that we need proper legislation as far as that is concerned, and my concern is that this House is just giving a green light for a free-for-all as far as licensing is concerned and I believe that within five years we will be rueing the day, or the next house will be rueing the day as far as this is concerned.

I am glad to see that my minister colleague is very sheepish as far as his association with this piece of legislation. I understand they have collective responsibility, but at the end of the day this House needs to take this Bill seriously and I am concerned about the fact that with the previous response we asked legitimate arguments about what would be the difference as far as that clause going through and not going through and the only difference would have been that they would not have been able to use a credit card over a counter in a public house. That was the only difference between the existing law as far as I am aware and it is this arrogance of 'How dare you put in a concern about things?' We are here to express the concerns of our constituents and I will express them how I feel they should be expressed.

**The Speaker:** Nobody is preventing you or restricting you expressing them, hon. member. The minister to reply.

**Mr Bell:** Thank you, Mr Speaker. First of all I would remind hon. members it is clause 6 we are on now, not clause 5, we have in fact moved on, and I can only apologise to members if they felt that my reply to the previous clause was inadequate. I cannot help, though, those people who totally disagree with what we are trying to do as a matter of principle. There is a fundamental disagreement there.

Regarding the clause, as in any clause it is up to the hon. members, if they disagree with it, to vote against it and that is how legislation moves forward, whether it is licensing or any other Bill that comes along. It will not be the end of the world if any particular clause is defeated or in fact goes through, and I regret the aggressive stance of the hon. member, especially when it comes to clause 6, bearing in mind that he said he was supportive of these measures at the outset. It is a strange turnabout if he is now prepared to vote against something which previously he was totally in favour of, especially one which has particularly been designed to address the problem his particular constituent is suffering from.

We have put a lot of effort into this Bill, many months of work have gone into getting this here, including extensive consultation with members themselves, so the hon. member has had previous opportunities to have direct input into the construction of this Bill before it ever reached the floor of this house and I think he should remember that.

I am totally sympathetic with the fears that members have in this hon. chamber of the problems of alcohol abuse. The Bill is designed to try and address that in a radical way which has not been done before and if he looks, as I said at the outset, at the Bill in the round he will realise that we are doing a considerable amount to tighten up on behaviour on licensed premises, public abuse of alcohol and a whole number of other areas and overall net, this will be a beneficial move not only towards improving public order but also in reducing drunkenness, particularly related to licensed premises, and I hope the hon. member will take that on board while he filibusters the Bill.

I would like to, though, just refer to two points. The hon. member for Onchan, Mr Corkill, has made a comment on the time taken for the local government department to come back with their environmental report. I would hope that it would be a speedy exercise on the part of the department. The referral, though, to the environmental division by the Licensing Court will be at the time of the licence application, it is not outside of that, so the licence itself will not be granted until the report is brought back to the Licensing Court and at that time the licensing court has the ability, not necessarily a duty, but the ability to apply the relevant conditions recommended by the environmental division to the applicant's licence which will keep it going. So the exercise ought to be in abeyance while the survey is being done. Certainly no extensions will be able to take place without that environmental assessment having been carried out.

The hon. member's colleague, Mr Karran, makes reference to the fact that it will take a brave person to object. Well there have certainly been plenty of brave people in Onchan objecting to the licence he refers to and I do not see why the situation should be any different anywhere else. The individuals, the neighbours, are only one group of people who can object. The police themselves can object if there is a history of unruly behaviour or noisy behaviour in a particular licensed premises. So the public themselves will not need to be exposed in any way at all: it can all be done directly through the police if in fact that comes about.

But as I say, it is my hope that in the round this Bill will do considerable good in reducing noise and behavioural nuisance in licensed premises, whether they be in residential areas or anywhere else. I beg to move, Mr Speaker.

**The Speaker:** Hon. members, the motion is that clause 6 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 7, sir.

**Mr Bell:** Clause 7, Mr Speaker, makes various amendments to provisions relating to misbehaviour on or near licensed premises.

Sub-clause (1) increases the maximum penalty for offences of misbehaviour on licensed premises under the 1995 Act. Section 33, sub-clause (2) relates to disorderly behaviour, indecent or obscene language, behaving indecently to the annoyance of any person and increases the maximum penalty from £1,000 to six months and/or a £5,000 fine.

Sub-clause (2) gives wider powers to make a banning order on a person: (1) the class of offences on conviction of which an order can be imposed has widened, and (2) power is given to forbid the person to enter on-licensed premises as well as to purchase liquor, (3) the maximum period of the order has increased from one year to five years.

Section 33, sub-clause (4) enables a court, on convicting a person of certain offences, to make either (a) an order prohibiting him from purchasing liquor, which is as at present, or (b) an

order banning him from licensed premises in total, which is a new provision, or both for a specified period up to five years, and as I say, that has increased from the current one year.

Section 33, sub-clause (4A) enables a court, if it makes an order under sub-clause (4A), also to make an order prohibiting any licensee from supplying liquor to him for the same period. This power is unchanged but the period is similarly increased from one year to five years.

Section 33, sub-clause (4B) gives the court a new power, when it makes any order under sub-clause (4), to issue a warrant enabling the police to take his photograph and distribute copies to licensees and to arrest and to detain him for that purpose.

Section 33, sub-clause (4C) specifies the offences on conviction of which the court can make an order under sub-clause (4): (a) an offence under section 33, sub-clause (1) of being drunk or under section 33, sub-clause (2) of misbehaving on licensed premises; (b) offence of homicide, wounding, GBH or ABH; (c) assault or provoking behaviour on licensed premises, (d) criminal damage; (e) affray, threats of violence or causing harassment, alarm or distress on licensed premises. These are all new provisions.

Section 33, sub-clause (5) makes contravention of a banning order an offence, and section 33, sub-clause (6) makes contravention of an order under subsection (4A) an offence. In both these cases there is no change from the current position.

Sub-clause (3) makes corresponding amendments to the powers of the court under section 75 of the 1995 Act to make banning orders on convicting a person of offences under section 75, sub-clause (1), that is, being drunk in a public place, or section 75, sub-clause (2)(a) or (b), being drunk and disorderly or drunk and incapable.

Section 75, sub-clause (5) enables a court, on convicting a person of such an offence, to make either (a) an order prohibiting him from purchasing liquor, as at present, or (b) an order banning him from licensed premises, which is a new provision, or both for a specified period of up to five years, which has increased from the current one year.

Section 75, sub-clause (5A) enables a court, if it makes an order under sub-clause (4)(a) also to make an order prohibiting any licensee from supplying liquor to him for the same period. This power is unchanged but the period has similarly increased from one year to five years.

Section 75, sub-clause (5B) applies section 33, sub-clause (4B) power to issue a warrant authorising photographing, and section 75, sub-clause (6) makes contravention of a banning order an offence, and section 75, sub-clause (7) makes contravention of an order under subsection (5) an offence.

So, Mr Speaker, I beg to move that clause 7 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Yes, I beg leave to second, Mr Speaker, and reserve my remarks.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I would just like to ask the mover, since we are now getting clearer what these clauses are. What I would like to ask the mover is the issue of if I am a licensee and I have a person who has been banned under this piece of legislation, can I actually ask the individual concerned to leave the premises, if he does not leave the premises, can I call the police, in order to do so? Because it is all well and good saying this, but if you have got the likes of a couple of my licensees, there is no way they can physically evict an individual.

The other issue I just wanted to ask about is that when we talk about licences we are talking about both on-licences and off-licences as far as these banning orders are concerned, so does this include off-licences, purely off-licences like Winerite, or does it include off-licences the likes of Tesco's or Shoprite supermarkets? I would just be interested to know what the position is. What does it mean? Because this is the sort of thing that gets complained about to me from licensees. It is all right these people telling me that these people are banned, but when you have got them on the other side of the counter they do not always leave peacefully and they have a right to call the police to get them off the premises. That is all I would like to know from the hon. mover.

**The Speaker:** Can I call upon the mover to respond. Mr Bell.

**Mr Bell:** The answer to both those is yes, Mr Speaker. If a licensee is confronted by someone who is banned by the courts he obviously would be committing an offence himself if he served him and if the individual refuses to leave on request to do so, then obviously the police can be called to remove that person, and a banning order applies to the purchase of liquor from an on-licence as well as an off-licence. I beg to move, Mr Speaker.

**The Speaker:** Hon. members, the motion is that clause 7 stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 8, sir.

**Mr Bell:** Clause 8, Mr Speaker, replaces the existing section 40 in the 1995 Act, which prohibits the employment on licensed premises of security staff who have been convicted of certain offences of violence, with a power for the Department of Home Affairs to set up a register of authorised security staff.

Sub-clause (1) replaces section 40. Section 40, sub-clause (1) enables the department to make regulations authorising the establishment of a register of authorised security staff with procedures for applications and registration, appeals, fees, et cetera. These regulations will require Tynwald approval.

Section 40, sub-clause (2) makes it an offence for a licensee to employ unregistered security staff, and section 40, sub-clause (3) provides a defence to a charge under subsection (2).

Section 40, sub-clause (4) makes it an offence to make a false statement or withhold information in order to be registered or to state falsely that one is registered.

Section 40, sub-clause (5) provides that in order to prevent duplication and overlap, regulations under section 9 imposing standard licence conditions and conditions imposed or undertakings accepted by the licensing court cannot include provision for registration of security staff within sub-clause (1) above.

Section 40, sub-clause (6) defines the terms 'doorkeeper' and 'guard' used in this section, and sub-clause (2) enables the court to impose licence conditions requiring security staff to be provided at licensed premises at specified times or specified days.

I beg to move that clause 8 stand part of the Bill, Mr Speaker.

**Mr Henderson:** I beg to second, sir, and reserve my remarks.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Yes, thank you, Mr Speaker. I would like to propose an amendment to clause 8 to correct a drafting error in the clause on the employment of security staff, as outlined by the hon. mover of the Bill.

The current wording, which provides a defence for an employer employing a guard or doorkeeper who is not registered, should in fact more properly refer to believing the person was

registered and not to the fact that they did not know that the person had been convicted of an offence. This amendment will correct the error. It concerns the employment of security staff and in fact it is a subject which has evoked comment in the past, but this one is a drafting error and I so move:

*Page 7 line 36, for the words from "that he did" to "so convicted" substitute "that he —*

- (a) reasonably believed that the person was entered in the register, and*
- (b) had taken all reasonable steps to ascertain that he was so entered".*

**Mr Houghton:** I beg to second, sir.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I would just like to know, regarding any regulations as far as this is concerned, will they be laid before Tynwald or what will happen as far as that is concerned?

Could I also just ask the hon. mover two other questions. one is I take it that this will be part of the Rehabilitation of Offenders Bill, so this will not be exempt from that piece of legislation. I am not arguing on that point one way or the other. I just would like to know.

The third point that I just want the mover to clarify is the fact that what I would like to ask him, and I think that this is important, is that we do get it away from a gentlemen's voluntary agreement. I know that the previous operations to try and set something up as far as this is concerned have caused an immense amount of distress and fear by some of the proprietors - now, that there is no press here - with the drug situation in the past, and I have to say that this is a good idea if the department is in the driving seat and taking responsibility. It is not good enough when individuals who have been involved in the voluntary situation find themselves in fear of their lives and having to have protection because of the fact that one of the big places for dealing drugs and that is in these nightclubs, from what I gather, and I do feel that there is tremendous pressure put on these people to turn a blind eye to these unscrupulous individuals, so I think any moves as far as getting this on a more legal basis where it is us that is in the driving seat, where the proprietors are not being the ones that have to go out on a limb with this section of society threatening them and doing all sorts to them, then that is something that should be applauded.

But I would just like to know if there are going to be regulations, are they going to be in Tynwald and will it mean that the responsibility for the standards of this will be with his department and not some sort of gentlemen's agreement? Because we know the problem we have with - I have forgotten the name - is it Mensa or something it is called? - some organisation that was set up and I know that the people in that were in fear, and I do think when you have a situation where you listen to some of these people in the licensing trade trying to keep good licensed houses with security staff it is very difficult for them when they are dealing with people who make a lot of money out of drugs and the likes trying to use their premises. So I have got no problems with this, so long as the department is in the driving seat.

**The Speaker:** Mrs Hannan for Peel.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. Could I ask the mover of this legislation? We are in 40 (2) where it says that the offence is liable on conviction to a fine not exceeding £5,000. That is where somebody is not registered. But presumably that is the licensee who would be responsible there. I accept that there is a defence in (3), but over the page where it says anybody who makes a false statement, recklessly makes a statement and falsely represents themselves to be entered in the register shall be guilty of a thousand pounds. Is that right? Surely it should be the same sum if somebody is not entered into a register. It is the licensee that is fined £5,000 but

somebody else can make a statement, presumably saying that he/she was entered into the register and the fine is a thousand pounds. It does not seem to be equality of treatment there.

**The Speaker:** Can I call upon Mr Cannell to respond to the amendment.

**Mr Cannell:** I think, Mr Speaker, with respect, the majority of the questions were addressed at the substantial part of the clause rather than the amendment. I am sure that the hon. mover will give the assurances being sought.

**The Speaker:** Mr Bell to respond.

**Mr Bell:** Thank you, Mr Speaker. I did say in my presentation of clause 8 that the regulations which will need to be made under section 40, sub-clause (1) will need approval of Tynwald, not just laid before, so there could in fact be a debate if needs be.

I am not quite sure what he was referring to when he refers to the Rehabilitation of Offenders Bill, but obviously all offences attracting a sentence of up to 30 months will be affected by the Rehabilitation of Offenders Bill which currently is in the process of being introduced now that it has Royal Assent.

His third point about it being a gentlemen's agreement, he does have a point in so far as a voluntary scheme in effect has been operating now for the last two or three years. This has taken the effect of a non-statutory register which has been maintained by the summary courts office at the General Registry it has not, though, to date, had any legislative base to give it any teeth. What we are planning now is a radical overhaul. There will be a formal register held by the Department of Home Affairs. It will be properly regulated and the applicants, the would-be security staff, will have to undergo a certain amount of training and vetting before they can be taken on as security staff. I think this gives far greater strength to this particular provision.

The regulation of security staff has been a concern, I think, for some time and certainly in the United Kingdom there have been major problems with it. We hope to learn from their mistakes and make sure that we have the best possible vetting and training for people in this position, especially as there may well be now, with an extension of hours and in some cases perhaps further extensions of music licences, the need for the court to insist on a wider number of premises needing security staff than perhaps appertains at present.

The hon. member for Peel, Mrs Hannan, has said that anyone applying for a job as a security officer could make a false claim, claiming registration to the licensee. That certainly would be the case, but the onus is on the licensee to contact the Department of Home Affairs to check whether in fact the individuals concerned are registered with us, if there are any particular problems surrounding that registration, and failure to do so obviously will put him in jeopardy then and possibly lead to a fine. This is all a continuation of the theme of this Bill which is to tighten up on overall management of these sorts of premises.

The consistency of fine - I take the hon. member's point but this was the level that was recommended to us by the Attorney-General's department and that is what we are pursuing today.

So I beg to move, Mr Speaker, that clause 8 stand part of the Bill.

**The Speaker:** Hon. members, the motion is that the amendment to clause 8 stand part of the clause. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

The motion is that clause 8, as amended, stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 9, sir.

**Mr Bell:** Clause 9, Mr Speaker, replaces section 45 of the 1995 Act which enables licensed premises to be closed by a JP in a case of a riot, with new provisions giving the police limited powers to do so as well and also allowing closure in case of violence on the premises.

Section 45, sub-clause (1) enables a JP or a police officer of an inspector or above, where a riot is taking place or expected, to order the closure of licensed premises nearby.

Section 45, sub-clause (2) enables a JP or a police officer, again an inspector or above, where there is violence on licensed premises, to order the closure of those premises.

Section 45, sub-clause (3) limits the period of closure under (1) and (2) to 60 hours when imposed by a JP or six hours at a time or 12 hours in total in any three days where imposed by the police.

Section 45, sub-clause (4) requires a JP, if practicable, to give the licensee a chance to make representations before he closes premises under section (1) or (2), and section 45, sub-clause (5) makes it an offence to keep premises open while a closure under (1) or (2) is in force.

Section 45, sub-clause (6) enables force to be used to close premises pursuant to an order under sub-clause (1) or (2).

Mr Speaker, I beg to move that clause 9 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg leave to second, Mr Speaker, and reserve my remarks.

**The Speaker:** Hon. members, the motion is that clause 9 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 10, sir.

**Mr Bell:** Clause 10, Mr Speaker, extends certain powers of the courts to suspend a licence for up to four weeks so as to enable it instead to make an order limiting the hours during which liquor can be sold or consumed on the premises for up to four weeks.

Section 66, sub-clause (2A) gives a court which has power under section 66, sub-clauses (1) or (2) to suspend a licence, instead to make an order limiting the hours during which liquor can be sold or consumed on the premises for up to four weeks.

Section 66, sub-clause (1) enables a court which convicts a licensee or designated official or their employee of a licensing offence to suspend the licence for up to four weeks.

Section 66, sub-clause (2) enables the Licensing Court, on an application by the police, to suspend a licence for up to four weeks in cases of frequent drunkenness or disorderly contact on the premises or where certain drug offences take place.

Section 66, sub-clause (2B) makes it an offence on the part of the licensee if liquor is sold, supplied or consumed on or taken from the premises outside the hours limited by an order under subsection (2A).

Mr Speaker, I beg to move that clause 10 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Yes, I beg to second and reserve my remarks, Mr Speaker.

**The Speaker:** Hon. members, the motion is that clause 10 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 11, sir.

**Mr Bell:** This clause, Mr Speaker, amends section 65, sub-clause (1) of the 1995 Act which enables the Licensing Court to disqualify a licensee for holding a licence for up to two years

where he is convicted of an indictable offence on two or more occasions by removing the requirement for two or more convictions. I beg to move clause 11 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second, Mr Speaker.

**The Speaker:** Hon. members, the motion is that clause 11 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 12, sir.

**Mr Bell:** Clause 12, Mr Speaker, allows the use of premises as club premises to be designated under section 2 of the Fire Precautions Act of 1975 so that a fire certificate is required for the premises. This will bring club premises into line with on-licence premises. However, club premises will only require a fire certificate if the club is registered under part 4 of the Licensing Act 1995. The effect of this is that if a designation order for club premises is made the club premises at which liquor is sold or supplied will need a fire certificate but not other club premises. I beg to move that clause 12 stand part of the Bill, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second, Mr Speaker.

**The Speaker:** Hon. members, the motion is that clause 12 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 13.

**Mr Bell:** Clause 13, Mr Speaker, provides that a club registration will remain in force for three years instead of one year, thus bringing club registration in line with on-licence and off-licences which now run for three years. They expire on 31st March in the year in which the next triennial session after which they are granted is held. The next triennial session is to be in 2003. Club registrations will henceforth expire on the same date. I beg to move that clause 13 stand part of the Bill, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second, Mr Speaker.

**The Speaker:** The motion is that clause 13 stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 14, sir.

**Mr Bell:** Clause 14, Mr Speaker, inserts a new section 75 (a) in the 1995 Act making it an offence for any person to buy liquor so that a person who is banned from buying liquor can drink it in a public place.

Section 75A, sub-clause (1) identifies a person to whom this section applies as a person who is banned from buying liquor by an order under section 33, sub-clause (4)(a) or section 75, sub-clause (5) (a).

Section 75A, sub-clause (2) makes it an offence for any person knowingly (a) to buy liquor for such a person and (b) to get someone else to supply liquor to such a person or (c) himself to supply liquor to such a person, in each case so that he can drink it on a highway or other public place.

I beg to move that clause 14 stand part of the Bill, Mr Speaker.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second and reserve my remarks, Mr Speaker.

**The Speaker:** The motion is that clause 14 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 15, sir.

**Mr Bell:** Clause 15, Mr Speaker, extends the definition of sale by retail of liquor which is the main activity controlled by liquor licensing to cover other kinds of supply in the way of business, for example barter, prizes or free gifts, in conjunction with the sale of other goods and services. Mr Speaker, I beg to move that clause 15 stand part of the Bill.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second and reserve my remarks, Mr Speaker.

**The Speaker:** The motion is that clause 15 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. Clause 16 and schedules 1 and 2, sir.

**Mr Bell:** Clause 16, Mr Speaker, introduces schedules 1 and 2 which make consequential amendments and repeals.

Sub-clause (1) introduces schedule 1 which amends the Licensing Act of 1995.

Paragraph 1 amends section 9 which deals with conditions and undertakings on the grant of licences. A new subsection (3A) prevents regulations imposing standard conditions and conditions imposed by an undertaking accepted by the Licensing Court controlling the hours for the sale of liquor. This is necessary because otherwise it would defeat the object of abolishing permitted hours.

A new subsection (b) substitutes subsection (4) which enables the court at any time to impose a further condition on a licence or to accept a further undertaking from the licensee.

(c) Amended subsection (5) removes the power of the court to impose a condition prohibiting the sale, et cetera of liquor on specified days or during specified times and extends the power to prohibit persons under a specified age going on a particular premises to apply to specified rooms on the premises.

Paragraph 2 changes the prohibition of a person under 18 serving in a bar on licensed premises so as to apply to serving in a room from which persons under 16 are barred by a licence condition.

Paragraph 3 provides a new exemption for the supply of liquor to a person under 18 on licensed premises. Under the 1995 Act, section 23, sub-clause (1)(e) a licensee commits an offence if he permits a person under 18 to consume liquor in any bar on the premises, and under section 23, sub-clause (2)(a) any person commits an offence if he buys liquor for the consumption by a person under 18 in a bar on licensed premises. The words 'in a bar' are repealed by schedule 2, so this exemption is needed in order to allow under-18s to drink in private rooms on licensed premises; they will not be allowed to drink in public rooms.

Paragraph 4 removes references in section 24 to sections 20 and 21 which cease to have effect under clause 2, sub-clause (1).

Paragraph 5 removes from section 24 a special definition of 'bar' for the purposes of subsection (20) to (23) as subsections (20) and (21) are repealed and the word is removed from subsection (22) and (23).

Sub-clause(2) introduces schedule 2 which contains consequential repeals, principally of provisions on permitted hours and children in bars which cease to have effect under clauses 1 and 2, and other references to permitted hours in bars.

So, Mr Speaker, I beg to move that clause 16 and schedules 1 and 2 stand part of the Bill.

**Mr Gelling:** I beg to second, Mr Speaker, and reserve my remarks.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Yes, Mr Speaker. I beg leave to move an amendment to clause, 16 schedule 1.

The first amendment corrects a reference in schedule 1 which is incorrect: on page 12 in paragraph 2 for 9(5A) substitute 9(5)(d) or (5A) - a technical amendment.

The second amendment in schedule 1 of clause 16 concerns the current deletion of all references to 'bar' which is required to introduce the system preventing children under the age of 16 from entering designated areas on on-licensed premises - a similar provision to before. An additional effect, though, of this deletion has now been identified which widens the present prohibition of supplying liquor to persons under the age of 18 to include a glass of wine with a meal. This was never the intention. The amendment will therefore, if passed, permit persons under the age of 18 to consume alcohol purchased by an adult in rooms where children under the age of 16 are permitted, for example in a recognised restaurant facility. A tidying-up exercise to a large extent and I formally move:

*Page 12, in paragraph 2, for "9(5A)" substitute "9(5)(d) or (5A)".*

*Page 12, in paragraph 3, for "which is not open to the public" substitute "in respect of which a condition referred to in section 9(5)(d) or (5A) is in force".*

**The Speaker:** Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. My amendment relates to a repeal under clause 16, schedule 2 and I have circulated the two areas that I relate to and that is employment of minors et cetera, clause 22 subsection (2) and subsection (3), which are to be repealed under this Bill, and I would hope that members looking at this legislation will agree with me that this legislation should in actual fact remain in place. What this legislation, when it was introduced, was supposed to do - it has never been put into operation - was to protect young people from serving in off-licences and having to serve especially their peers if they were 18 or round about 18, so it was to remove that and it was to put 21 on anyone serving in an off-licence so that somebody over 21 serving in an off-licence was not put under pressure from someone under 18, and the main part of this particular clause relates to separating the sale of liquor from other areas, whether it was in an off-licence - and off-licences can be your corner shop, it can be purely an off-licence, an off-licence can also be part of a supermarket - and this was put in quite deliberately and it was intended to separate alcohol from the main business of supermarkets, of corner shops and anywhere where liquor was sold. These areas have not been introduced and now the Department of Home Affairs and the Council of Ministers are seeking to remove this quite clandestinely. It was never on any briefing paper and the Chief Minister on 12th December 2000, in reply to a question that I asked him, said, 'However, the actual effect of the provisions if brought into force would be to prevent anyone under the age of 21 from being employed at all in off-licensed premises, which was not the intention of the measure.' Now, it was the intention of the measure, it was to keep separate, and clause 13 actually makes that, but I shall go on: 'Now, I can assure the hon. questioner that it is therefore proposed to amend these subsections, but an alternative provision which achieves the original aim has not yet been drafted for inclusion into a Licensing (Amendment) Bill', and what I would ask the Chief Minister is what part of this legislation was to be brought in to recognise these two parts which have not been yet put into operation, as members will see on the copy that I have circulated to them?

I think in many countries they have shops even where liquor is sold so that people going into supermarkets doing their everyday shopping are not having pressure put on to them because they have to pass by alcohol. We talk blithely in here, the mover of this legislation, younger and Manx society is a much younger society, young people have the right to enjoy themselves. I accept all of

that, but people who are addicted to alcohol are put under huge amounts of pressure every time they go shopping. I cannot think of anywhere where they can go shopping where it is not part of the shopping to pass by alcohol, and I think it is beholden on us, when we are relaxing in one area, we should be saying in other areas we expect them, the purveyors of alcohol, to be responsible, to not put people under pressure and not put under-21s under pressure.

I think it is beholden on us and I would hope that members will support the retention of these two parts in section 22 of the Licensing Bill of 1995, to leave these two sections in and to actually make the supermarkets, make them, as part of our strategy - the Isle of Man Government's strategy, I should say, and it is up to parliament to impose that - but make their strategy work, to try to take the alcohol away from everyday living. If people choose to go into a separate area to buy alcohol, that is then their choice, but they are not having to pass between these areas which actually carry this alcohol, they are not actually put into this situation. So we have got that one area because it does relate to where they are separated in another area of the premises, so you would get them suitably fenced off and you would get someone over the age of 21 selling the liquor.

So I would hope that members can recognise these two areas within this particular area of legislation, but if the Chief Minister can provide me with, under this legislation, where he says that an alternative provision which achieves the original aim is to be drafted into this legislation, I will be quite happy to accept it if he can display this in another part of the legislation, but I am not satisfied that the mover has done that during the passage of this legislation, and I feel this is so important that I would hope members will support this and keep it into the licensing legislation and tell government that we wish them to have a strategy with regard to alcohol both for 21s and for people who are addicted putting them in this pressure in supermarkets. I beg to move my amendment:

*Page 14, in column 3 of the entry relating to the Licensing Act 1995, omit the words 'Section 22(2) and (3).'*

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I wish to second the proposal by the hon. member. I do think that this was put in originally for good reason and I hope that this hon. House agrees with the point. We have heard all the talk about it is a young society and we have got to move and we have got to change, but we do have responsibilities to help these people, and I think that the hon. member for Peel is quite right and I hope this hon. House supports her move. She has put down the challenge that if there is somewhere else they are going to bring in this piece of legislation, then fair enough, but otherwise I hope this House will support it. I beg to second.

**The Speaker:** Mrs Crowe.

**Mrs Crowe:** Mr Speaker, I beg to second the amendment brought forward by the hon. member for Onchan, Mr Cannell, which I believe has not yet been seconded -

**The Speaker:** Correct.

**Mrs Crowe:** - and could I ask the hon. mover of this amendment, when moving this amendment, would that mean that no-one under the age of 21 could work anywhere in a licensed premises which would be a supermarket perhaps where people did their normal shop and the wine and beers are integrated and would be within the same shopping basket, as whoever was the purchaser. Now, as it stands, I think that not even anyone could be employed to fill shelves in any section of the supermarket at all. *(Interjection)* Well, fair enough, but I am just pointing that out and asking the mover if she does recognise that. If a person under 21 is employed in an off-licence premises - that would be whatever premises if it was a whole supermarket - if you had 16-

year-olds filling shelves in maybe wherever, far divorced from the wine and liquor section, would they be included in this part of the amendment? Thank you, Mr Speaker.

**The Speaker:** Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. Times are changing. I think one of the reasons the sections have not been brought in is because they are not workable, they are far too restrictive and basically it is unworkable. Are you going to manipulate your staff in a corner shop which sells alcohol and say, 'I'm sorry, you can't work there' - particularly when it used to be a Sunday when it was twelve till half one and it was eight till ten - 'You have to come off that till because we're now serving alcohol.' But now the times and the permitted hours have changed and therefore you can buy alcohol near enough at any time and if we look at supermarkets, they have tried to change that way now where you can go down the aisle and have your alcohol. Before you used to be able to have a separate section. Is it worthwhile for those employers to keep a person separately on just the alcohol? It does not work and therefore as far as I am concerned I am quite happy to go along with the clause as printed because at least it will enable people at 18 to serve on the till and serve alcohol.

**The Speaker:** Can I call upon Mr Cannell to reply to this amendment.

**Mr Cannell:** I think, without trying to duck responsibility, Mr Speaker, the majority of comments relate either to the other amendment or to the main clause.

**The Speaker:** Can I call upon the member for Peel to reply to her amendment.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I think what we have to remember is that supermarkets, off-licences are in the business of selling alcohol and that, I suppose, is where one of their main aspects of sale is. But I am saying by the introduction of the legislation in 1995, which was supported by government, it was a government piece of legislation, and I am not heartened at all by the Chief Minister's non-response to my query about where it is in this legislation.

Supermarkets do form a valuable part of supplying food and whatever else to communities but they are also a purveyor of alcohol. Alcohol is a mind-altering drug and what you were saying by the comments that have been made, and they have been few, is that it is unworkable, we should ignore it, you can buy alcohol at any time so anybody as long as they are over 18 should be able to serve, it should be the corner shop, you are not to ask the supermarket to have a separate area which would be licensed, you are not to have a corner shop that would have a separate area that would be licensed, you are saying the whole of the area is going to be licensed and that is what it is and that is what Marks & Spencer's have done, that is what Tesco and Safeway's and the Co-op and all of these have moved into. Safeway's did not. When this legislation came in Safeway's had a separate area which was separately staffed and it complied with what was here. They have all given just two fingers and they have just carried on and this legislation, because of pressure, the people that I believe that the government are trying to help with their alcohol strategy are not helped because they pass down the aisles with alcohol freely available, it is sold on the tills in the normal sort of way and we have heard the member for East Douglas saying, it is unworkable, a corner shop cannot do it, serving alcohol at any time. That is the point: alcohol has taken over our life.

**Mr Singer:** Yourself.

**Mrs Hannan:** Well, it would seem it has you.

**Mr Singer:** I do not drink. *(Laughter)*

**Mrs Hannan:** Because you have not been able to make this differentiation between the selling of alcohol by all means but separating it off from the general public, and I would hope that members will support this amendment. If the areas are separated off, then young people can continue to work in supermarkets if this legislation is brought in.

**Mrs Crowe:** If the premises are licensed.

**Mrs Hannan:** It depends which area is licensed and if an area is licensed it is up to government to sort this one out and if government is saying, 'Oh, the whole supermarket is licensed premises', well, I think government has to say if this legislation is to be brought in and if they are serious about an alcohol policy and trying to help people, because alcohol is available, you have got a drugs strategy. It is illegal to have these drugs: people still get it. There should be a different attitude or at least looking at a different attitude towards illegal drugs and all I am saying is that the legislation that is on the book that this legislation is trying to remove - obviously is going to succeed in removing - but what I am saying is that it is wrong and it is not the attitude that a responsible government should be taking.

In Canada they have supermarkets, they have liquor stores. You cannot get liquor in the supermarket, you have to go to a different store. Maybe we should be doing that, maybe government can look at that with regard to their alcohol strategy.

But taking this off the legislation and not implementing it to my mind is closing your eyes to a problem that is out there. People do have an alcohol problem, it is a drug addiction, it is a mind-altering drug. It is all very well loosening the constraints in certain areas with regard to opening hours and sale of alcohol and allowing children into bars. They are not necessarily the ones that are addicted as such. That can start them off into an addiction, but there are other people who never go to these places who are addicted to alcohol, who need alcohol to go out to the shops every day, who have a definite problem, and I would hope that members will support the retention of this under my amendment and will support me and give the message to government that this position should be attacked. Thank you, Vainstyr Loayreyder, I beg to move the amendment in my name.

**The Speaker:** The minister to respond to clause 16.

**Mr Bell:** Thank you, Mr Speaker. Firstly, obviously I support and would ask hon. members to support the amendments put forward by my colleague Mr Cannell. These again are departmental changes.

As far as the other issue, though, is concerned, I can fully understand where the hon. member is coming from on this; this is Mrs Hannan from Peel, with her amendment. She is quite right that the measure was in fact in the 1995 Licensing Act which she herself took through this hon. place and in fact I was on the working party for a period of time. So I am aware of the arguments which took place. However, the practical implication of this measure, no matter how well meaning, how well targeted, made it exceptionally difficult to implement, and that is not just coming from my own perspective as Minister for Home Affairs: my predecessor Mr Corkill who was also Minister for Home Affairs for a while equally grappled with this problem and realised the difficulty in its actual implementation. It is difficult to target it specifically at the areas that the hon. member refers to without making the measure all-embracing, in effect banning anyone under 21 from working in supermarkets and certainly from working in corner shops.

We have not yet been able to find a form of words which would achieve what the hon. member is looking for in this particular legislation. That is why she cannot find it at this stage. But what I can say to hon. members is that we are aware of this problem and we are in the process of setting up a working group with the police, with my department and indeed with the fairly recently

formed Manx Off-Licences Association to see if we can find a working agreement which ultimately then could find its way into legislation, but a practical basis to the introduction of this measure, not the measure, no matter how well meaning it might have been, that we are confronted with at the moment.

It is possible, certainly, to implement it and if members feel that way, then so be it, but it will cause major problems first of all for the supermarkets because it will mean stripping out alcohol completely from the existing areas in supermarkets and establishing a separate alcohol area. That in some cases can be done, in some cases physically I think they will find great difficulty.

The one area that the hon. member has referred to or one of the areas she refers to, Safeway's in Douglas, I understand did do this in the early days. As a result of separating the alcohol from the rest of the supermarket the business collapsed -

**Mrs Hannan:** My case rests.

**Mr Bell:** - and we would not necessarily, without encouraging the use of alcohol, wish to impose that on all the other operations.

Likewise there were a considerable number of representations from the small off-licences who depend on younger people for staff in corner shops and those sorts of locations and they felt threatened to such an extent that they would have either not been able to get the staff, because I know of one or two that did try and were unable to, or they would have to in very confined circumstances, separate the licensed area away from the groceries and any other bits and pieces that the shop has sold, and that in lots of cases is physically impossible. The only upshot would be that the loss of the licensed side of the trade would in fact have probably brought about the closure of the corner shop, and I would have thought this hon. chamber is not in the business of closing down small businesses, which can often be open for long hours or providing a service to the public, unnecessarily.

Now, I am sure we could have this particular argument all night, but the only thing I would say to hon. members is please accept I can give you an absolute assurance that I have a working party in process now, I do not know quite, obviously with our limitations on legislative time, whether we will be able to get a measure back before we run out of time before the House dissolves, but I can give you an assurance we will do our utmost to see if we can find a workable arrangement which will as far as possible achieve what the hon. member is looking for whilst at the same time adopting a realistic attitude to what is practical and practicable on the parts of the supermarkets and other off-licences.

I would ask hon. members at this stage not to support the amendment but to support the Bill as written but with that sincere undertaking that we will do our best to find a conclusion to this as quickly as possible. I beg to move, Mr Speaker.

**The Speaker:** Hon. members, we have a motion before the House: the amendment to schedule 1 in the name of Mr Cannell. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it.

We have an amendment against schedule 2 in the name of the hon. member for Peel, Mrs Hannan. All those in favour please say aye; against, no. The noes have it.

*A division was called for and voting resulted as follows:*

*For: Mr Rimington, Mrs Cannell, Mrs Hannan and Mr Karran - 4*

*Against: Messrs Gilbey, Quine, Rodan, North, Sir Miles Walker, Mrs Crowe, Messrs Houghton, Henderson, Braidwood, Shimmin, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 16*

**The Speaker:** Hon. members, the amendment to schedule 2 fails, 4 votes in favour, 16 votes against.

I now put the motion, hon. members, that clause 16 schedule 1 as amended and schedule 2 stand part of the Bill. All those in favour please say aye; against, no. The ayes have it. The ayes have it.

Now, hon. member, I have before me a new clause to be moved by Mr Houghton to be moved in principle. Hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Mr Speaker, as a point of order, I think there has been an arrangement that the department moves their clause first but I will take your advice, sir.

**The Speaker:** I have not been notified, sir.

**Mr Houghton:** Thank you very much, Mr Speaker.

**The Speaker:** Your new clause is on the order paper, sir.

**Mr Houghton:** Thank you, sir. The purpose of this proposed clause is twofold.

The first part of the clause, the carrying of glasses, usually from one public house to another has very serious potential hazards. This practice can lead to groups of people, many of whom may be drunk and intent on violence, to gather together on street corners, which presents policing problems which cannot be contained. The lack of authority by a police officer currently to deal with persons carrying glasses in public areas or public places in the past has been a real setback and on many occasions has led to uncontrollable and violent incidents.

But as I say, the proposed clause is twofold. If I may explain, the legal draftsman was unable to split the drafting of both sections which are proposed to be contained in section 76 of the 1995 Act and in effect my hon. colleague for Onchan had proposed a clause which has an identical part to mine, but I will continue to explain. As a matter of carrying liquor is due for debate I will concentrate on the carrying of liquor in public places. Hon. members will be aware of the current situation whereby the Minister for Home Affairs brings forward to Tynwald areas which are usually marked on a map which he seeks to be made alcohol-free zones. Such alcohol-free zones have to be designated and signs are erected warning the public that if a police officer requests a person not to consume alcohol within that area and he fails to heed the warning, he can be fined.

Alcohol-free zones are a successful measure and the police officers do have the authority to deal with problems caused by persons drinking in public places. However, in many cases these people simply move to a place beyond that designated area and continue to be a nuisance. I would illustrate this point by highlighting the problems in Onchan recently whereby the area surrounding the Onchan Youth and Community Centre has been a designated alcohol-free zone for a while. Police officers who found persons drinking in that area moved them on, so the users concerned simply moved just outside the alcohol-free zone and began to pester the elderly people living in the sheltered housing complex at Springfield Court. These residents have had their lives made a misery by badly behaved and drunken yobs, so the local authority has been left with no option but to apply to the Department of Home Affairs to have the area around Springfield Court designated as an alcohol-free zone. This therefore is the basis of my proposal. What my clause sets out to do is to abolish the requirement for local authorities to request the Minister for Home Affairs to so designate alcohol-free zones by adopting this piece of legislation which would allow a police officer to use discretion but effectively deal with situations similar to the one I have described.

Drinking in public places and the disgraceful behaviour which results from it is an escalating problem. One can easily see the litter, comprising of bottles and cans, strewn around areas which

have attracted many youths. These cans and bottles can be found in places of public recreation which are on the same areas on which our children are expected to play.

I would ask all hon. members to support my new clause today. It will bring peace and tranquillity back to areas affecting the elderly and the young. I beg to move, sir:

### ***Drinking in public places***

*For section 76 of the 1995 Act (drinking in public places) substitute —*

#### ***“76 Drinking in public places***

*(1) Any person who consumes liquor in a public place after being warned by a police officer not to do so is guilty of an offence and liable on summary conviction to a fine not exceeding £500.*

*(2) The Department may by a direction in writing provide that subsection (1) shall not apply to a public place specified in the direction on such day, and for such period (not exceeding 12 hours), as may be so specified.*

*(3) Any person against whom an order under section 33(4)(a) or 75(5)(a) is in force and who consumes liquor in a public place is guilty of an offence and liable on summary conviction to a fine not exceeding £500.*

*(4) A police officer may require a person appearing to him to be committing or to have committed an offence under subsection (1) or (3) to remove himself forthwith from the public place, and, if he refuses or fails to comply with the requirement, may arrest him without warrant.*

*(5) Any person who —*

*(a) is carrying in a public place an open bottle, flask, can, glass, cup or other vessel which contains or has contained liquor, and*

*(b) refuses to comply with a request by a police officer immediately to deposit the vessel in a receptacle for the deposit of litter or to deliver it to the officer,*

*is guilty of an offence and liable on summary conviction to a fine not exceeding £500.*

*(6) Where an offence under subsection (5)*

*is committed, a police officer may seize the vessel and may dispose of it as he thinks fit.*

*(7) Nothing in subsections (5) and (6) applies to —*

*(a) a flask designed to hold not more than 0.2 litres of spirits and to be carried on the person; or*

*(b) a chalice or other vessel used in the course of a religious service.*

*(8) Subject to subsection (9), in this section “public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.*

*(9) A place —*

*(a) within the curtilage of any on-licensed premises or club premises; or*

*(b) premises at which the sale of liquor is, or has within the previous 15 minutes, been authorised by virtue of an occasional licence;*

*is not a public place for the purpose of this section.”.*

**The Speaker:** Mr Henderson.

**Mr Henderson:** I beg to second, sir, and reserve my remarks.

**The Speaker:** Mr Cannell.

**Mr Cannell:** Thank you, Mr Speaker. I wish to make a proposition for the suspension of standing orders to enable a new clause to be put by myself. The reason for this is there was some confusion along the way as to the tabling of this new clause, for reasons which need not be gone into, and I do seek permission of the House for this suspension to take place for my clause to be considered at this point. I beg to move:

*That Standing Orders be suspended to permit a new clause to be considered.*

**Mr Gilbey:** I would like to second that, Mr Speaker, and I would point out that all hon. members had a letter from the Acting Secretary to the House of Keys explaining a misunderstanding that had arisen and referring to the amendment which the hon. member for Onchan, Mr Cannell, wishes to put before us and I would hope that that will be agreed to because there was a genuine mistake as it says in the beginning of this letter: ‘Mr G Cannell MHK has been the unwitting victim of a misunderstanding between the Department of Home Affairs, the Attorney-General’s department and himself et cetera’, and so I would therefore very much hope that this will be granted a suspension of standing orders more particularly because I think it provides a compromise in respect of the amendment that the hon. member for North Douglas, Mr Houghton, has just moved.

**The Speaker:** Does any member wish to speak? Mrs Hannan.

**Mrs Hannan:** I am concerned, I think, about both amendments that have been moved.

**The Speaker:** At this moment we are on the suspension of standing orders.

**Mrs Hannan:** Oh, suspension of standing orders. Yes, go on, I will let them have suspension of standing orders.

**The Speaker:** Hon. members, the motion is that standing orders be suspended to permit the new clause proposed by Mr Cannell to be debated in principle. All those in favour please say aye; against, no. The ayes have it. The ayes have it. Mr Cannell.

**Mr Cannell:** Yes, Mr Speaker, I am grateful for the House’s backing for that.

Currently the department has the power to designate specific places where it is an offence to consume liquor once a police officer has given a warning to stop doing so. The department has made many such orders in Douglas recently at Springfield Court in Onchan, elsewhere in Onchan, Port Erin and Peel and the latest being the Douglas promenade and quay area. These orders have proved highly effective in stopping problem drinkers causing trouble in these designated areas.

The police have used the powers sparingly and no complaints have been received by members of the public concerning the use of the owners.

In the United Kingdom additional powers have been introduced. Those in Manchester and Liverpool have proved even more effective in reducing trouble and violence from persons drinking in the streets. This amendment proposes to provide the police of the Isle of Man with similar powers. A police officer will be able to request that an individual in a designated area carrying a vessel which contains or has contained liquor should deposit the vessel in a receptacle for the deposit of liquor. If the individual refuses to do this immediately he or she will be guilty of an

offence on summary conviction and may be liable to a fine not exceeding £500. An exception is a 0.2 litre size or less flask or a chalice.

The purpose of the amendment is not to prevent members of the public from having a drink outside a public house on the sunny days we hope are to come but to provide the police with the power to stop troublemakers carrying alcohol from pub to pub and making nuisances of themselves while doing it.

This power has proved highly effective around night spots in the United Kingdom and the department believes it will help the Manx police address the public's concern about drinking in the streets.

It is a new clause to be added after clause 16, sir. I beg to move:

***Drinking in public places***

*In section 76 of the 1995 Act (drinking in public places) —*

*(a) after subsection (2) insert —*

*“(2A) Any person who —*

*(a) is carrying in a designated place an open bottle, flask, can, glass, cup or other vessel which contains or has contained liquor, and*

*(b) refuses to comply with a request by a police officer immediately to deposit the vessel in a receptacle for the deposit of litter or to deliver it to the officer,*

*is guilty of an offence and liable on summary conviction to a fine not exceeding £500.*

*(2B) Where an offence under subsection (2A) is committed, a police officer may seize the vessel and may dispose of it as he thinks fit.*

*(2C) Nothing in subsections (2A) and (2B) applies to —*

*(a) a flask designed to hold not more than 0.2 litres of spirits and to be carried on the person; or*

*(b) a chalice or other vessel used in the course of a religious service.”;*

*(c) in subsection (3), for “(1) or (2)” substitute “(1), (2) or (2A)”.*

**Mr Gelling:** I beg to second, Mr Speaker.

**The Speaker:** Mr Corkill.

**Mr Corkill:** Mr Speaker, now that both amendments are before us I will speak to the amendments, sir.

**The Speaker:** The new clauses, hon. member. The principle of the new clauses.

**Mr Corkill:** I defer, sir.

**The Speaker:** Hon. members, I have two new clauses before me, in principle. The new clause as moved by Mr Houghton. Those in favour in principle say aye; against, no. The ayes have it. The ayes have it.

I now have the new clause as promoted by Mr Cannell in principle. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

I now have two new clauses in principle. I will debate each clause separately. The clause by Mr Houghton, to move, sir.

**Mr Houghton:** Thank you, Mr Speaker. All the points I made out in moving the clause in principle I would reiterate and I beg to move, sir.

**Mr Henderson:** I beg to second, sir.

**The Speaker:** Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. I feel I should come to my feet on this particular one to explain to hon. members perhaps some of the confusion which has reigned in the last week or two.

Earlier on I did make mention to members that an extended period of consultation has taken place on the construction of the Licensing (Amendment) Bill, leading to a draft Bill which went to the Council of Ministers I think shortly before Christmas.

In the draft Bill which was promoted by my department to the Council of Ministers the clause now proposed by the hon. member for North Douglas, Mr Houghton, was still included in its entirety. Now, this was a provision which we, at the time, on balance, thought may bring some clarity to the increasing number of designated areas which my department had been promoting by giving the police a general power to cover the whole of the Island rather than just continuing to grow the number of designated places, because the one difficulty we have, although the designated places have been successful, is that where they are successful we have tended to move some of the problems further along to a different part of the town (**Mr Houghton:** Hear, hear.) and this has meant then we have had to come back with a further designated place order to catch that particular hot spot.

Now, on consideration of this particular clause at the Council of Ministers it was felt that the total extension on the power was too big a step to take in one go and we would be wiser not to go with it and therefore my department has agreed to withdraw the measure from the actual printed Bill.

Now, subsequent to that my hon. friend for North Douglas raised the issue with me again and has decided that he wishes to see that clause reinstated, which is why we have the new clause put back in front of us today.

So it is slightly convoluted how we got here and I am sorry about the added confusion with my hon. friend's further new clause as well. Bearing in mind the arguments which have been put by the Council of Ministers to myself on the whole of the measure which has been put forward by Mr Houghton, I feel as minister at this stage I have to go against it, but if I can jump about slightly, part of the new clause which the hon. member has promoted refers to the carrying of glasses in public, which would, in Mr Cannell's new clause, apply to established designated places only. We feel that is still of some benefit because it has, as my hon. friend from North Douglas said, had quite a major impact in the areas where this measure has already been brought in, which is, I believe, Blackpool, Liverpool and Manchester, and therefore my department is continuing their support for that particular element of the clause, but bearing in mind the arguments which have been put to us by the Council of Ministers, we are not supporting the first section.

So the complication comes in today where, because my hon. friend from North Douglas has linked the two together, my department feels unable to support the whole of that but would like to see the second part of it still approved, which is why my hon. friend Mr Cannell is bringing forward a further new clause simply relating to glasses.

I am sorry this is very confusing to members but I am trying to get the best out of this particular deal for the Island. It is certainly very confusing to me. So I would ask hon. members at

this stage not to support the amendment put forward by Mr Houghton but, when we get the opportunity, to give their support to Mr Cannell's new clause.

**The Speaker:** Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I am concerned about, I think, both of these new clauses that are before us. I, I think, like some members in this hon. House, recognise the problem that there is with alcohol and it is not easy dealing with people who are under the influence of alcohol. But what is being proposed is that to someone who has been consuming alcohol the police officer comes along and says to them, 'You shouldn't be drinking alcohol in a public place' and tries to force the removal of or whatever. That in itself can be provocative to a person who is under the influence of alcohol and it could cause all sorts of problems, and my understanding was with the new Chief Constable that there was a new attitude to policing. Instead of being confrontational which this is it would be seen to be more conciliatory and trying to deal with people no matter what their condition, and it comes back to the public order legislation that we passed. Some people are difficult to deal with if they are approached in a confrontational way.

Surely part of the attitude of policing should be to try and solve problems, and that is what has been introduced into the policing in recent times - talk to any of the officers - and it is trying to solve problems, and with both of these new clauses, and I know we are only discussing Mr Houghton's at the moment, it is confrontational, and if you find people who are drinking, who are boisterous, who are having a good time or who are drunk and are approached by somebody and this particular clause is in use, I can see it: 'refuses to comply with the request of a police officer immediately to deposit the vessel in a receptacle for the deposit of litter or to deliver it to an officer is guilty of an offence.' Well, obviously that person has to go to court and all the rest of it.

We have had one example where in a designated area people were moved on and it caused a problem for other people. What we should be doing is looking to try to resolve some of these problems and I do not think by attacking it in this particular way when I think the majority of people in this House today have talked about how wonderful it is, we have got a new philosophy in the Isle of Man - young, new, Manx society and all the rest of it - and, yes, it does bring about problems, but I think what we have got to be trying to do is not to get more people into the courts but is to try and get a positive policing attitude and try to conciliate when we come to a situation such as that and I would hope members would reject this new clause.

**The Speaker:** Mr Corkill.

**Mr Corkill:** Thank you, Mr Speaker. In addressing both amendments before us I took up on a couple of points and listened to the hon. mover Mr Houghton in moving his amendment because several times during his presentation of his clause he referred to the expression 'youths' - I think he used it two or three times - and the problems that youths had occurred. . .

**Mr Houghton:** Yobs, actually.

**Mr Corkill:** And he referred to them as yobs but you also used the word 'youths', and I would wish to highlight to members that in fact the police do have the powers to remove alcohol from under-age drinkers now and I do not see a lot of evidence of that actually happening and yet we are asked to enlarge designated areas to get rid of this problem. The annoyance in Springfield Court was mentioned, and it was a problem for those residents. They were being terrorised with yobs, with youths, some of them running through the corridors, all of that -

**Mr Houghton:** With drink.

**Mr Corkill:** - and there was drink, but the point I would make Mr Speaker, is that a lot of them were under the age of legality for consumption of alcohol anyway and my view is that the police, if they could catch them, and I know that is not easy, should be in a position and are in a position to remove that alcohol from them and dispose of it, and I do wonder whether these amendments are actually properly targeted with regard to that particular issue. I do believe it is an enforcement issue.

The second point I want to make is something which occurs in both amendments. In the amendment in paragraph 5 it talks of, 'open bottle, flask, can, glass, cup or other vessel'. The same words are used in the hon. mover Mr Cannell's amendment: 'open bottle, flask, can, glass or cup'. Presumably the police, if these amendments are agreed, would have the ability to remove, say, someone walking home with a six pack of beers: closed cans. They would have the ability to remove those from that person, whereas I have always viewed this legislation as really targeted at people out in the open with bottles open, with glasses, with cans open, drinking away, perhaps getting out of control where the police need to intervene, the police need to say, 'Look, stop now.' If they do not stop, then an offence has been committed. I just wonder whether we are going a bit too far with regard to closed vessels as well as open vessels.

I would hope that the movers of the amendments can perhaps answer those points for me and I really want to leave the message that in fact the police do have the power and I would wish to see them use it more often - I am not so sure that they have ever used it - to remove alcohol from young under-age drinkers who are out on the street. They can do that and dispose of the alcohol now, I understand.

**The Speaker:** Mr Shimmin.

**Mr Shimmin:** Thank you, Mr Speaker. Just addressing one of the comments from the previous speaker, Mr Corkill, I have been out with the police when they have removed alcohol. It does take place and the fact you might not hear about it is normally because the issue has gone away and does not become an issue.

I would agree with him that the legislation is already there for young people carrying or consuming alcohol in public places. Therefore let us not lose sight of what is talked about here today.

What I believe these issues are identifying, by the nature of the problem, is groups of young people, normally young male adults, who are out drinking, who are carrying opened bottles or pint glasses between public houses, and that is where there is a concern expressed by members of the public and it is quite often in those areas which are identified by the designated areas already, such as the promenade. So that to an extent is already covered.

Where the issue is compounded is where you have persons of ages 18, 19, maybe up to 20, who loiter in areas with younger children. The older people, who have the alcohol, could potentially be sharing that with the younger children, but they are legally able to carry that alcohol at present and as long as they have moved to the perimeter of a designated area, they then can flout the law and, taking up the point from the member for Peel, Mrs Hannan, they can taunt and make a nuisance of themselves with the police.

I do believe that the conciliatory approach of the police at present is one which has begun to show progress. We get to distorted pictures because if any of us are out with the police, then possibly it is not a representative view of what goes on on Friday or Saturday nights. However, the concerns that I have had expressed to me, and I am sure other members have, are from innocent people who feel threatened by those carrying alcohol.

I have no problem with the new clause in the name of Mr Houghton. I do believe that the police will adopt a conciliatory approach, particularly on a Friday and Saturday night. They are aware that they have much larger problems to deal with. They are not going to go seeking these sorts of areas and if they do, then we will have that drawn to our attention by the public.

Certain people have a lack of faith and confidence in the police service of the Island. I believe that may be more based on historic dealings rather than current practice. I have confidence in the police. I believe Mr Houghton's new clause gives them the powers that they believe will be beneficial. I think it will be done in a mature way and will be to the betterment of the members of the public and therefore I would support Mr Houghton's new clause.

**The Speaker:** Mr Singer.

**Mr Singer:** Thank you, Mr Speaker. Looking at the two clauses I think that the clause moved by the hon. member for North Douglas is the clause that has a lot more meaning because we have heard quite clearly that people do move from designated areas to non-designated areas and the police then have little power. So the proposal by Mr Cannell is in fact not helping anybody in areas that are not designated.

I do know, and I can certainly confirm this in the north area, that the police do remove alcohol from young people who are walking round the streets, but I think that is a separate item which has been brought in.

I am concerned that if we only adopt the proposal by the member from the department -

**The Speaker:** Hon. member, we are just debating one clause at the moment.

**Mr Singer:** Well, I certainly think that we need to help the police immediately in areas, which this proposal by Mr Houghton will do. It will help the police in all areas with the problem that we know is occurring, and I would certainly question the comments by the hon. member for Peel because she seemed to be saying that we should take a softly, softly approach but so softly in fact that she seemed to be questioning what I feel should be the respect for a police officer's authority if they approach a person and ask them to do something which is within the law.

There are two questions that I would ask the hon. mover of this particular clause to answer. One was raised by the hon. Minister for the Treasury about people walking around with cans. Now, we do here see it mentions 200ml, which is probably one can. What is the position, as he sees it, for somebody walking around with more than one can, opened or unopened?

Secondly, I would ask him to comment on what the minister said, that he felt that this first section of the amendment was too big a step at one go, as was seen by the Council of Ministers. Perhaps Mr Houghton could comment on that particular item because here we are talking about an area of the Isle of Man which is less than an area of Liverpool, less than an area of Manchester, a much smaller population, and they do seem to have handled it in those areas. Perhaps he could comment on that.

But overall I do see that if we are going to do something, then we should be doing it fully and I think that this is the clause which does tackle the problem, whereas the other one is pushing it rather aside.

**The Speaker:** Hon. members, standing orders say that the House should adjourn at 5.30. Is it the wish of the House that the clauses stage of this Bill is completed tonight?

**Members:** Agreed.

**The Speaker:** The majority does appear to be agreed. Mr Rodan.

**Mr Rodan:** Yes, Mr Speaker, I think the debate does clearly indicate what the problem is we are trying to address in this new clause and indeed the other new clause that we are not debating.

The mover of this clause did say that the measure was not designed to target people who were simply having an innocent alfresco drink outside a pub or outside, something of this sort, and the argument has been made previously that it is not designed to sweep up families having barbecues in a public place. Now, this whole clause of course is dealing with a public place, any public place, not a designated place, any public place, and the offence is the refusal to comply with a request, not with a reasonable request, not with a request made with due cause, but with a request, and if I could ask the hon. mover, what consideration was given to the potential for the abuse or the overzealous use of this legislation by the police? I fully accept what the hon. member for Douglas West said that when he talked -

**A Member:** North.

**Mr Rodan:** No, Douglas West, Mr Shimmin, when he talked about the current conciliatory approach of the police and being asked to trust the exercise of the powers of the police, and that is fine. It does, though, seem to me a weakness in this clause that we are missing perhaps some wording which would indeed show that this is designed to target specific problems and not to be used in a blanket fashion, any request by police under any circumstances. If I could just have some clarification on why some qualifying word to accompany the request was not inserted into the clause.

**The Speaker:** The member for Glenfaba.

**Mr Gilbey:** Mr Speaker, I think the hon. Treasury minister has pointed out what may be a drafting error in this clause that we are now considering and the clause that we may consider in the future and that is if hon. members look under the clause moved by Mr Houghton, (5) (a), it says, 'carrying in a public place an open bottle, flask, can'. I had assumed the wording meant an open bottle or an open flask or an open can. But unfortunately it could be taken to mean just an open bottle and it did not matter if the flask or the can were closed, and I find this is a rather worrying point that certainly needs clarifying because it would be quite wrong for there to be the power to remove a flask or a can if they were not open because, as the hon. Treasury minister has said, someone might have a bagful of cans all closed and it cannot be the intention that they should have those removed. On the hand I can quite see the logic for saying that people should not go round with open bottles, open flasks, or open cans, equally with glasses, cups or other vessels containing liquor because you should not be walking down the street with a glass cup or other vessel which contains liquor and you are clearly about to drink that liquor.

But I do think this point needs clarifying and, if appropriate, perhaps amending at another place or perhaps by the suspension of standing orders at the third reading.

**The Speaker:** Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. Of the two clauses in front of us my preference is for Mr Houghton's. Going on from the last speaker, I assumed naturally, on (5) that it was an open bottle, open flask, open can, open glass, cup or vessel. But - we have been talking - to me it is a logical progression to extend from designated areas to a full public place. We have talked about Liverpool, Manchester. Glasgow was one of the first cities to have a complete blanket ban on alcohol or drinking alcohol. (*Interjection*) In the streets, yes, not in the pubs I think they were well used to it in Glasgow. It used to be one of the roughest cities in the UK and we know that the designated areas, which are in place at the present time, have worked extremely well, although in another place we had the extension to Onchan or another designated area made in Onchan because of the problems.

My own view is that we do leave it to the discretion of the police. They seem to have become more conciliatory, not confrontational, and we have to rely on the police. As the hon. member for Garff said, it is not for the family on the beach with a barbecue or at Bushy's in TT week or standing outside a public house when it is in the summertime and just round the periphery. It is in other areas or, because I am very concerned as well and it has been brought to my attention on many an occasion, when you are walking down the street with a bottle and you can have a group of lads and another group of lads and there is a weapon straightaway, and I know that when I go out for a drink, particularly in the summertime to one particular hostelry, you cannot go out of the door of the premises with a glass. They stop you straightaway and say you have to go back and change it for a plastic vessel.

So as far as I am concerned, Mr Speaker, I prefer Mr Houghton's. I think it is an extension for totally in a public place and I think that people in the Isle of Man would like to see that.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, I am just a bit concerned. as the individual that moved the original amendments years ago to take the power of booze off children and we are told how the moon would fall out of the sky and everything else I find it quite amusing today that we are now trying to extend this principle to the adults in our community.

What I am concerned about on this issue is this idea that somehow when we talk in our constituency the issue was to do with 13 and 14-year-old children, primarily around the Springfield residential complex, it was not to do with adults.

Whilst I sympathise with the arguments as far as the points that were given by the member for West Douglas, the issue of older people being associated with younger ones, I know that happens, but I think we have got to be very careful. We should be looking at the real problems and we have just brought out a piece of legislation that has made more flexible licensing laws, so you can drink all night, so you can come out of the pub in the morning and laze about in the sun all day. You give credit card use for alcohol. I think the problem we have got is that we produce these liberal laws, this free-for-all, and then we complain about the social consequences of doing so afterwards and then we want to bring in all these authoritarian problems. I am a bit concerned.

I am very glad to see that one of the rantings that was seen in the past as far as giving the power for children is now seen as the norm now. But I am concerned that one of the problems we had with that piece of legislation was having it properly enforced. It was never properly enforced and that was the problem.

Now, I do think that we need to think seriously about this as far as civil liberties are concerned, and it works both ways, I agree. You should be able to go out without having a nuisance of people abusing you or whatever, with people walking round with drink. But I do think you do need the rights and balances and I think, Vainstyr Loayreyder, I think it would be a wise decision if you would consider maybe stopping at this point and letting us come back at the next sitting and then we can see whether there has been a clearer definition of which amendment is the most reasonable and the most practical, and I would move that we stop at this position and come back and put this as the first item of business of the next agenda. Obviously you are in the chair, sir, and it is up to you what you think, but I think that is what we should do. I beg to move:

*That the House now adjourn.*

**The Speaker:** I have an adjournment motion before me. Mr Rimington.

**Mr Rimington:** Thank you, Mr Speaker.

**The Speaker:** Are you seconding the adjournment, sir?

**Mr Rimington:** No, I am going to speak to the amendment.

**Mrs Cannell:** I second the adjournment.

**The Speaker:** The motion is that the debate now be adjourned until the next sitting of the Keys. Mr Bell.

**Mr Bell:** Mr Speaker, to a certain extent I can understand what the hon. member for Onchan is saying, but the new clause which has been put forward by Mr Houghton, and inadvertently, I know, Mr Cannell's clause did not come to this chamber in the way we had hoped for, but nevertheless this particular clause by Mr Houghton has been notified to this hon. chamber, it has had the requisite seven days' notice, members have had plenty of time to study it and understand what it is all about. We are so close to having this Bill complete now, Mr Speaker. There is only this and the final short title and we are done with it. To defer the whole thing now for another week just seems frivolous frankly. We can surely, in the next few minutes come to a conclusion on this one way or the other, even if indeed a clarifying amendment was required in another place, if that is what members might have a problem with.

**The Speaker:** If nobody wishes to speak to the motion, then the motion is that this House do now adjourn to next Tuesday. Those in favour please say aye; against, no. The noes have it. The noes have it. Mr Cannell, do you wish to speak to this clause, sir? Mr Rimington, sorry.

**Mr Rimington:** Thank you, Mr Speaker. Yes, I will be voting against this new clause and Mr Cannell's new clause.

First of all just in terms of the definition which the hon. member for Glenfaba has pointed out, and others, on what is an open bottle, flask, can, et cetera it seems to be very imprecise in primary law. Is a bottle of wine with a screw top, which has been half drunk, but the top is back on, closed or is it open? This seems to be a slight area, I do not know. Is 0.2 litres, i.e. a third of a pint, of vodka or whisky being carried around in a thing to swig as you go okay, compared to, say, a small can of beer? There seems to be some lack of logic in there and I think really that these clauses need to go away and be reconsidered and tightened up.

I would also vote against this new clause on the grounds that I think that as it is drafted at the moment it is too draconian. Although accepting that we all in general have confidence in the police and they may well be having a conciliatory attitude at the moment or whatever, you cannot give those wide, sweeping powers to anybody to be able to walk round and say, 'You, you, you do this, do this, do this!' And if you do not, bang, 500 quid or whatever without any justification whatsoever. I think, although I understand the sentiments which are expressed by the new clause, there is a matter of civil liberties issue here. I would be very reluctant to just go completely over the top and just hand over complete powers to the police or anybody to decide who should or should not be drinking in any place at any time, and it would only require one, say, situation completely outside of Douglas or wherever where there was a conflict, maybe between a household of previous times and the police, and they might see that as an opportunity to be a bit more vindictive than they ought to be, and hopefully they would not do so. But there is always that possibility and that we would be wrong and I think from a civil liberties point of view this is too excessive. Thank you.

**The Speaker:** Mr Quine.

**Mr Quine:** Mr Speaker, I think we are looking for problems that do not really exist in this amendment. It seems to me that, just leaving aside the specific terms of this amendment for the moment, police throughout endless volumes of legislation are given authorities and power which they are required to exercise and discharge with discretion. There are standards of reasonableness against which they will be measured and if there are excesses, such as breaches of civil liberties, there is ample recourse to be taken through the courts for to redress

those situations. Nothing new about that. That has always been the case, and I can think back to many incidents over many years where the police have been unduly zealous and it has ended up with the situation being corrected in the court. So as a consequence police forces are subject to proper training and they are subject to guidance and all the orders that go along with it to make sure that, except in those very rare cases where the courts will step in, these powers are exercised properly. So I think we should put that to one side.

In terms of what does this amendment hold out as being of value, I think that has been spelt out very clearly: it fills in the gaps. In part (1) we have the situation of consumption of liquor in a public place. Now, quite clearly an officer is going to be drawn to that situation or come upon that situation, he is not going to concoct that situation, and if the way to defuse that is, as it says here, to take the action proposed in sub-clause (1), then obviously that is what he is going to do. It is a parallel with thousands of other situations of which he is going to have to take a judgement and decide whether to prosecute or whether to report, as the case may be.

I would imagine that sub-clause (2) is intended to cover the seasonal situations that we have, referring to the 12 hours, so that is perfectly understandable. The issue in relation to orders - that is specific. There cannot be any question over those, I would have thought. Then we have, of course, what is in clause (5) and to me, that refers to open bottle, open flask, open can. But if I have got that wrong, it is a matter of detail which can be dealt with.

So I do not think we are going to take this issue any further by debate than we have taken it already. But I find myself that what is proposed here is not unreasonable. I think it would be of considerable value to the police force, though the alternative is, I suppose, we can look at variations of the theme, such as the other amendment that may be before us, but, speaking to this amendment and to the provisions of this amendment, I am perfectly happy to lend this my support. I do not see anything draconian or unreasonable about it.

**The Speaker:** Mrs Crowe.

**Mrs Crowe:** Very swiftly, Mr Speaker, if I just could ask the mover of the Bill if indeed this became legislation - the mover of the amendment, I am so sorry - if indeed this went into legislation, became law, would there be a duty to enforce the legislation placed upon the constabulary? Would they have a duty to enforce the laws of the Isle of Man?

**The Speaker:** Can I call upon the mover, Mr Houghton, to respond? Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I will be reasonably brief, Mr Speaker, due to the late hour. Perhaps if I can really deal with the situations that hon. members have and number of hon. members have brought up very, very similar points.

The carrying of glasses in public places. We are talking about glass now, glass that can be used in violence, glass that can be broken on the pavement or on the road that people can fall on top of. It is a safety issue, the carrying of glasses with alcohol in because of a safety issue.

Now, what propounds this situation all the way through is police discretion, so when those very foolish remarks were made during the debate about people carrying a six-pack on the way home or the way to the car and all that it is just really pretty poor when really we need to concentrate our minds on what goes on down in Douglas during the very late night and what takes place there has to be absolute, not 'Oh, well, no it's negotiable' and giving drunken people the opportunity to argue with people as to whether they should or they should not, so they cannot say, 'Oh well, I was only taking it to the car, so I can keep it and he can't' and all this nonsense. You have to be absolutely explicit and precise at that time of night using your discretion as a police officer, with low resources of support, to be able to defuse a situation, a potential situation of violence, that is building up on the streets of Douglas, and it is quite obvious that unfortunately

hon. members have not seen this circumstance and it is time they got out and had a look and saw what is going on on Douglas promenade at night, late on a Friday evening and a Saturday evening: take your pick.

So the carrying of glasses is a public safety issue. I would hate for any hon. member, for their families to be involved in anything to do with glasses and seeing peoples faces badly cut open by being attacked with a glass by drunken people. It is very, very, very serious. It is as serious as that.

Moving on to section (2) of it, which is the extension of alcohol-free zones, now that deals with the younger people, as the hon. member for Onchan was referring to, where there are already laws in place where you can take drinks off them. Of course you can take drinks off them, but what we want to stop is the extended areas because what happens is at the moment alcohol-free zones are abused because people, because it has to be signed by signs, drink just outside the designated area and put two fingers up to the law over it. Because 'I can drink here, but I cannot drink there.' Now, isn't that pathetic? The idea is good, but the pathetic thing is that it is in a designated area and the police have no powers to deal with that situation outside those designated areas.

Another extremely important point about all of this is that I am rather surprised at the Minister for Home Affairs coming down and voting against it when it was he and his department, and with all due diligence and praise, I have to say, put this original amending clause in front of the Council of Ministers and now he is saying vote against. What sort of prevarication and behaviour would you expect of a minister who has brought the most legislation to this House in this five-year period that I and hon. members have been with? So I would ask why is he now prevaricating? Is it because the Council of Ministers have already made their mind up about a situation here that they should be more in tune with, with what is going on out in the street. You must get to know and find out yourselves what is going on out in the street before some of your own family are hurt.

I really think that those are all the main pertinent points that I have here with this. As I say, I thank all members for their input and those who supported and otherwise. I thank all of those. I cannot see any other pertinent points so, Mr Speaker, I beg to move. Thank you.

**The Speaker:** Hon. members, the motion is the new clause as proposed by the hon. member for Douglas North, Mr Houghton, stand part of the Bill. Will those in favour please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Messrs Quine, Houghton, Henderson, Braidwood, Shimmin, Singer, Karran and the Speaker - 8*

*Against: Messrs Gilbey, Rodan, North, Mrs Crowe, Messrs Rimington, Cretney, Downie, Hannan, Bell, Corkill, Cannell, and Gelling - 12*

**The Speaker:** Hon. members, the motion fails, 8 votes in favour and 12 votes against. I now call upon the hon. member for Onchan, Mr Cannell, to move his new clause.

**Mr Cannell:** Yes, exceptionally briefly, Mr Speaker, and I mean it this time. A classic case of everybody getting their knickers in a twist. Apologies for that. To paraphrase someone a long time ago, I do not know what the amendments do to the enemy, but they certainly frighten me. I am content to move this as printed, sir, and take my chance on it.

**The Speaker:** Mr Houghton.

**Mr Houghton:** I am quite happy to second it, sir, and it will be very interesting to see how many of those people who support this about the glasses issue in this particular amendment, but it is an excellent amendment and I would be glad to support it, sir.

**The Speaker:** Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. I shall be voting against this piece of legislation. Again we come back to a police officer, whoever it is, a person refuses to comply with a request from a police officer, and I am concerned that people are under the influence of alcohol, it is about drinking in public places and if someone comes along to a person and says, 'Put that down' or 'Put it in the bin' or 'Stop whatever you are doing' I can see that it depends how you approach someone and if somebody is under the influence of alcohol and they are approached in an aggressive manner, then I can see, because you do not have to have a reason and it just can be this is a designated area and there are ways to approach people. This does not look at that particular piece of legislation. If we are looking at public order, we should be looking at positive attitudes to policing and all of this before we actually get down to this particular piece of legislation. The case has not been made for it and therefore I will be voting against it.

**The Speaker:** Mr Shimmin.

**Mr Shimmin:** Thank you, Mr Speaker. I would just like to say that if there was a member of the public, intoxicated, walking along the street carrying alcohol who, when approached by a police officer then became violent, I concern myself that we are actually tolerating that sort of individual walking the streets. (**Messrs Houghton and Quine:** Hear, hear.) I would far prefer to see a police officer dealing with a person who had that proclivity for violence or aggression or hostility to actually be dealt with.

Now, as far as I am concerned, we have been through this. I will be very supportive of it.

**Mr Quine:** Hear, hear.

**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, before we get ourselves into a situation of winding this up, haven't we got laws as far as drunk and disorderly? Haven't we got laws on public order? I am just a bit concerned here. When I moved the amendments years ago as far as the kids are concerned, there was nothing and that was the reason why I moved it.

What I am concerned about here today is the fact that if somebody is drunk and disorderly or somebody is causing an affray, they can be prosecuted, so let us not try and wrap this up into something that it is not. This is nothing to do with people being drunk and disorderly. If they are drunk and disorderly the laws are there to deal with them at the present time. This is to do with people walking around with alcohol, drinking alcohol in public places. They do not have to be drunk, they just have to be walking around. But if they are drunk, the law is there to protect and I think this House needs to take just one step back before we start talking about making our police impotent when we have got jobs abusing them or whatever because they are drunk or whatever. They have the law there and the more I listen to this debate the more I get more concerned, even though I supported the last amendment. I am very concerned about supporting this one.

**The Speaker:** The member for West Douglas, Mr Downie.

**Mr Downie:** Mr Speaker, I am speaking in support of this amendment and the main reason I am speaking to support this is because there have been without doubt a number of serious offences committed in this town where people have had broken glasses and beer bottles broken and pushed in their faces. This, sadly, is quite a common event which takes place in this town and I think this particular clause will go some way to actually prevent these totally unreasonable

exhibitions of brutality from taking place. There is no need in this day and age for people to be walking through the town with beer bottles in their hands or empty glasses in their hands. It is totally unacceptable as far as I am concerned and I think if we do not start to send the right signal out things will get to such a state on a Friday and Saturday night in this town we will not be able to deal with the situation. Some of these members I think do not venture outside of the house after 8 o'clock at night.

**Mr Houghton:** Hear, hear. That is what the problem is about.

**Mr Downie:** You want to come along and come into town on a more regular basis and come and have a look at some of the problems. It is all right going on about alcohol and trying to do something about it, you want to come into the sharp end one night and because your nursing experience went out of date with Florence Nightingale (*Laughter*) you want to go and have a look at some of the -

**Mrs Crowe:** There is no need to be rude.

**Mr Downie:** - situations that modern nurses have to deal with where they are not only abusive in the street -

**The Speaker:** Hon. members, please.

**Mr Downie:** - but when you get to a situation on a Friday and a Saturday night you have to have a police presence at outpatients because the fights are still continuing in there and if they can -

**Mrs Hannan:** And what will this legislation do to stop that?

**Mr Downie:** - they will push a bottle into a nurse's face. That is how serious the situation has started to become.

I will be quite honest with you, I could have lived with the other amendment, but I still think this is a very, very good amendment. It is one that I think will be welcomed and when you arrest one of these individuals you find his mates are all outside with the bottles when he is receiving his treatment in outpatients and this is where the problem arises -

**Mr Houghton:** Correct.

**Mr Downie:** - and having all these zones is a complete and utter waste of time. (**Mr Houghton:** Hear, hear.) Let us have some meaningful legislation in and make sure the police stick to the letter of the law and start to deal with some of these problems. Thank you.

**The Speaker:** Mr Singer.

**Mr Singer:** Mr Speaker, I am brought to my feet by the comments of my minister and some of the things he said which I agree with. I agree entirely when he says that we have got to tackle some of the events that are happening and he talks in particular about Douglas and what are designated areas, and what I cannot understand is why he and the other members of the Council of Ministers, if that is the way they feel about Douglas, should not be equally seeking to treat the people who live in areas outside Douglas, not in designated areas, in exactly the same way. (*Interjection*) They would not support the last motion, the last clause, because it was put forward by a backbencher and that is quite the reason because otherwise if the ministers vote for this, then they should equally have voted for to protect the people in areas (**Mr Houghton:** Hear, hear. Hear, hear.) other than in designated areas and it is very two-faced for them to support this and have rejected the others and I am very angry about it because I feel that they are not bothered about everybody on this Island, but only some people.

**Mr Houghton:** That is right.

**The Speaker:** The member for North Douglas, Mr Henderson, then the member for Glenfaba.

**Mr Henderson:** Thank you, Mr Speaker. I have only got a couple of things to say, and it seems to me that on the one hand up until very recently we were lambasting the police for failure to do this and failure to do that and failure to do the other and now there is something that has come along that has given a chance to try and put some sense into the situation, as illustrated by my hon. colleague for West Douglas, Mr Downie, and we are talking about preventative measures here which would certainly sort that out and I think in all honesty after this debate tonight -

**Mr Cretney:** We will go and have a drink.

**Mr Henderson:** - well, yes, absolutely - the police will certainly be exercising their caution and discretion and I could not see an officer trying to go over the top with this legislation or this particular thing if it gets through tonight, far from it, and there is a course for redress and I will be one of the first members to come back here if we need to put an amendment to this if there is over-zealous use of anything, but what I am saying is we should give it a chance and see if it will work. If it does, that is good.

**The Speaker:** The member for Glenfaba, the member for Garff afterwards.

**Mr Gilbey:** I must say very quickly I think it is very sad that a member should say that other members are two-faced and that the Council of Ministers only did not support Mr Houghton's amendment because it was from a backbencher. Neither of these statements is factually true.

As you have heard, the hon. mover of the Bill wanted something in the Bill originally on the lines of what Mr Houghton said -

**Mr Houghton:** It was thrown out.

**Mr Gilbey:** - but the Council of Ministers decided not to have it. It would have perhaps been rather two-faced had they then accepted an identical amendment from somebody else, whether they were a backbencher or not, and I do think it is sad that people make such violent and unfortunate statements attacking the integrity of others in this hon. House.

**The Speaker:** The member for Garff.

**Mr Rodan:** Yes, Mr Speaker, I think again we are losing sight of what we are doing with this clause and indeed the last one. In the case of this clause we are now talking about a designated place where it will be an offence to refuse to comply with a request by a police officer for the carrying of an open bottle et cetera in a designated place. Now, the reason for designating such a place is surely that that place is one that is perceived to be a risky place and where such activities could lead on to be considered provoking behaviour and could lead on to all the other consequences that we have heard so graphically described tonight. That is the purpose of designating a place and therefore it is reasonable in such designated places for there to be such an offence as carrying an open bottle. These are areas deemed to be high-risk areas where things might get out of control. Therefore it is perfectly logical and possible to support this clause in relation to designated place and not the first clause. The first proposed new clause was to do with any public place, anywhere an offence -

**Mr Houghton:** Noble's Hospital.

**Mr Rodan:** - with any request by a police officer. Now, that to me was overkill, but it is perfectly reasonable to designate a place and that is what this new clause is doing and I hope it will be therefore seen by the hon. member for Ramsey that there is nothing illogical or two-faced or

anything else about supporting this one, and I can assure the hon. member for Douglas North it was in no way who the messenger was in the first instance at all (**Mr Gilbey:** Hear, hear.) and I hope I have tried to illustrate how it is possible to support this clause because it is to do with designated places, areas identified as presenting a particular risk from this activity of carrying bottles. Thank you, Mr Speaker.

**The Speaker:** Mr Quine.

**Mr Quine:** Yes, I just wanted to say, sir, that having heard the hon. member for Garff's explanation, I think that demonstrates the difference between the two approaches. What we have been reduced to now before us is an amendment that is only of value if it relates to a designated place. Its value in terms of pre-emptive action and preventive action by the police - and these activities are not always going to pop up in some convenient place that is going to have a nice little parameter drawn around it saying 'designated place' - in those incidents that are going to be outside those convenient parameters they are going to be still able to thumb their nose at the police and carry on with whatever they were going to do and so we are ending up with a half-measure instead of a full measure.

**The Speaker:** Can I call upon Mr Cannell to respond.

**Mr Cannell:** Yes, Mr Speaker, a half measure perhaps, but a half measure is considerably better than no measure. (**Several Members:** Hear, hear.) It might not be the full all-Island, but the trouble is certainly all-Island and I think we have concentrated on this town as if it is some kind of mini-Chicago. In actual fact when I read the papers there are quite a few references to difficulties elsewhere than Douglas for certain and I do not exclude my own constituency in that.

I think the hon. member for Garff summed it up best when he said that the question was one of reasonableness. I think we have that with this.

I think, if I may make so bold, that the hon. member for North Douglas has been put in a very difficult position with this because except for the circumstances with which the letter was circulated I would have been moving my new clause ahead of his and I think that we had reached an agreement that one would supersede the other. So I think it has been a difficult afternoon for people with procedure, but now we have finally come to this hurdle and I urge hon. members to vote for this.

I was a bit surprised to hear the claim about a backbencher because, unless Mr Singer is in possession of some other information, I had actually up to now considered myself to still be among the backbenchers, but I wait to hear of his decision on that.

All I would urge hon. members, after this tricky afternoon on this final or penultimate clause of this Bill, is to actually vote for this and be doing a service and the hon. minister has already said that if there is any difficulty with it he may well try to correct that or to enhance the less problematical areas with movements in another place.

**The Speaker:** Hon. members, the motion is that the new clause proposed by the hon. member for Onchan stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

*For: Messrs Gilbey, Quine, Rodan, North, Mrs Crowe, Messrs Rimington, Houghton, Henderson, Cretney, Braidwood, Shimmin, Downie, Singer, Bell, Karran, Corkill, Cannell, Gelling and the Speaker - 19*

*Against: Mrs Hannan - 1*

**The Speaker:** Hon. members, the new clause stands part of the Bill, 19 votes in favour and 1 vote against. Clause 17, sir, the hon. member Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. Clause 17 gives the Bill its short title and in moving clause 17 can I first of all thank all hon. members for their forbearance today. I know it has gone on a bit longer than we all expected, but I do appreciate the support for the Bill and, in saying that, I can also give hon. members the assurance we will look at one or two small points which have been raised on this from the aspect of clarity and if indeed it is felt a small amendment is needed, that will take place, but I urge members to support clause 17.

**The Speaker:** Mr Cannell.

**Mr Cannell:** I beg to second clause 17.

**The Speaker:** Hon. members, the motion is that clause 17 stand part of the Bill. Will all those in favour please say aye; against, no. The ayes have it. The ayes have it. That completes the consideration of clauses of the Bill and I think it is well past time that we all adjourn to the sitting of this House next Tuesday, 3rd April, at 10 a.m. Thank you, hon. members.

*The House adjourned at 6.25 p.m.*