

**Licensing Act 1995**  
**Leave to introduce a Bill to amend**  
**Motion carried**

3.1 The Hon. Member for Ramsey (Mr Singer) to move:

*That leave be given to introduce a Bill to amend the Licensing Act 1995 in respect of the disposal of liquor; and drinking in public places.*

**The Speaker:** We turn to Item 3 on our Order Paper, leave to introduce, and I call on the Hon. Member for Ramsey, Mr Singer.

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

I am seeking leave to introduce a Bill to amend the Licensing Act 1995 in respect of the disposal of liquor and drinking in public places.

In various parts of the Island, there are designated areas made up (*Inaudible*) section 76 of the Licensing Act 1995, within which an offence is committed if a person consumes liquor after having been warned by a police officer not to do so, and carries a punishment on summary conviction of a fine not exceeding £500, and there are many other applications in the pipeline from different areas of the Island. There is also public confusion as to what is permitted in the present designated areas, and the Police can have problems whereby, moving across the road, a person is no longer in the designated area. By encompassing this provision Islandwide, it would eliminate the need for a large number of unsightly signs in the major towns, marking the entry to such areas.

Section 76 also provides an offence of refusing to dispose of an open vessel containing liquor when required to do so and gives a police officer the power to seize and dispose of a vessel containing liquor as he or she sees fit. These powers only extend to specified areas, and the intention of this Bill is to extend the powers to cover the whole Island. As a member of Ramsey Town Commissioners, I was aware of the problems being encountered by police officers in relation to anti-social behaviour. These regularly involve juveniles and alcohol abuse. Offences of drunkenness have increased during the past few years and there has been an increase in the number of reported instances of minor criminal damage attributed to those juveniles and adults who have been drinking. Extending the area to cover the whole Island would, I feel, provide the Police with additional discretion to deal with inappropriate potential antisocial behaviour.

At present, a person warned within a designated area by a policeman simply has to move out of the area and then the Police then either have to ignore the problem or go through the whole arrest procedure.

When I sought information from the Department of Home Affairs, I was informed that this proposal was included in the provisions of the 2010 Criminal Justice (Miscellaneous Provisions) Bill. As Hon. Members are aware, this is a very large Bill and it failed to complete during the life of the last Government. It is now to be presented as several smaller Bills.

I was informed that the provision that I am seeking was already in the Bill, but would not now be presented to this Hon. House probably until 2013 or 2014. Having had discussions with the Department and the Hon. Minister, they have offered their full support to me to bring this section of the Bill forward.

The Bill has two provisions. It provides that where, as currently, areas may be designated within which a constable may order a person to desist from consuming alcohol, a constable should be able to order person to stop consuming alcohol in any public area of the Island; and secondly, it provides for an officer to dispose of liquor seized from a minor, as he or she sees fit, rather than have to seek a court order for disposal.

I would like to emphasise to Hon. Members that this provision will not stop drinking in public places but make it an offence to drink if causing a nuisance and after being asked to stop by a police officer. The exercise of power conferred on a constable by this provision will be governed by a code of practice. So, sitting or standing outside a pub, having a picnic in the park etc, will not be affected. The power will be a conditional one, preventing overzealous police constables using their powers to prevent, for example, picnickers having a glass of wine with their meal. What this provision does do, I would contend, is it stops law-abiding persons being adversely affected by people whose behaviour is unacceptable.

The Department of Home Affairs consulted very widely with 44 groups. I will not read all the consultees out, unless I am asked to do so, but the proposals were very well received. I would emphasise that other licensing matters will be brought forward in the miscellaneous provisions Bill by the Department in due course. If I am granted permission today to proceed with the Bill, I will consider if there are any further consultations needed and would be pleased to discuss the proposals with Hon. Members and hear comments from members of the public.

I therefore move that I be given leave to introduce a Bill to amend the Licensing Act 1995 in respect of the disposal of liquor and drinking in public places.

**The Speaker:** Hon. Member for Onchan, Mr Quirk.

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

I am happy to second and give the assurance to the House, too, that the Department is supportive on this, and also myself as an individual Member who has responsibility for Drugs and Alcohol in it.

It was some time ago, in the previous House there, it was an issue that I wanted to progress myself, but as the Member did indicate, the Bill failed. I do hope that Hon. Members across the room here today actually support this and we can put some legislation, which is needed on the Island, so when this does happen it does not spoil the enjoyment of the rest of the people who live on the Island.

**The Speaker:** Hon. Member for Douglas North, Mr Houghton.

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

Mr Speaker, had the Hon. Member for Onchan, Mr Quirk, not seconded it, I would have been more than pleased to do so.

Hon. Members, those ones who go back a few terms earlier when the Hon. Member was the previous Member for Ramsey brought a Bill, a Private Member's Bill in that time, which dealt with issues where minors, youngsters were engaging adults to purchase liquor for them and the Hon. Member brought a law in that has dealt with that issue. It has been very effective and I am very confident that the Hon. Member will bring forward the appropriate calibre of legislation in order to combat this issue.

I think the proposals that are put forward this morning are of very, very good sense. I would underline that it will give Police powers, which will be discretional, to deal with any further offences that may be disclosed. It will deal with abuses and, of course, it will, in lots of cases, as the Hon. Members says, disallow the issue to worsen with the abuse of alcohol and where arrests will be negated because of this ability to do this.

In my time, in my past life in the Special Constabulary, we used to just do this anyway, but we did not have the powers to do it and of course it was the then – and everybody will laugh at this – the 'bluff act' that was used in those days to take alcohol off people. We will now actually have a law to do so.

So in the case where there is absolute discretion that this will be able to be used, where the need is justifiable by a police officer and will continue to allow people to be able to drink in a controlled manner, in such ways as the Hon. Member stated, I can see no wrong in that and I am very, very happy to support it. Thank you, sir.

**The Speaker:** Hon. Member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, my principle has been, in the 27 years nearly, in this Hon. House, that if Members want to bring a Private Member's Bill, I will support it, so long as it does not attack Human Rights or it does not attack basic common sense.

I have no problem with supporting the proposal in front of us today, but I am concerned that we have got to make sure that we do not end up finding this mixture that we have of balance, that it does not end up where we have got overzealous police officers actually stopping the freedom. I think it is important – (*Interjection*) I understand the Hon. Member said it, Hon. Member, but the point is that many times when things are brought about in this Hon. House for one thing, they end up having an effect on other aspects.

When we were teenagers, we used to have barbecues out, as young people, down on beaches and miles away from anybody, and I would hate to think that we could end up with a situation where people cannot enjoy themselves with rights or responsibilities.

The second thing that I have to say is, and I really think, that whilst supporting the interest of this Bill is concerned, the real issue that we have got to address is the issue of better supervision as far as alcohol in supermarkets is concerned. I do hope that the Department of Home Affairs does look seriously at proposals that I have been on about for some considerable time about the issue of supermarkets having to have a separate area with a separate till for the alcohol. I think this would do as much good as far as this problem, this anti-social problem, as this piece of legislation is concerned.

I think it is interesting today to see how these things are going to be completely accepted in this House, when I think of 20-odd years ago, fighting to give the police officers the ability to take alcohol off children, with people going absolutely crazy. I think it is important that we put the rungs in the ladder for this anti-social behaviour, but there need to be checks and balances as far as making sure that it is not used against legitimate individuals who are having a bit of fun. They should be able to drink a bit of alcohol in the prescribed places as far as that is concerned. We must not make it (*Inaudible*) where that...

So I have no problem in supporting the Bill and supporting the leave to introduce, but I do hope, maybe, that we need to realise the real issue that needs to be addressed is the responsibility and the cheapness of alcohol and I think that is the real problem that we have got, as far as this anti-social behaviour, that this Private Member's Bill is proposing in front of us today.

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

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

Very briefly, can I thank Mr Quirk for seconding the motion and also the support of Mr Houghton.

I note what Mr Karran says, and basically I think there is nobody who disagrees with what he said. This Bill is covering just a small area of the area that he spoke about, and hopefully this will help. It will help those people who are, as he says, having a pleasant drink etc. Nothing wrong with that, but it might well help them when there are other people around who are causing problems. So, if Mr Karran wants to discuss this with me further, I am happy to do so, as I am with any other Hon. Member within this Hon. House.

I thank Members, Mr Speaker.

**The Speaker:** Hon. Members, I put the motion in the name of Mr Singer, that leave be given to introduce a Bill to amend the Licensing Act 1995 in respect of the disposal of liquor and drinking in public places. All those in favour, please say aye; against, no. The ayes have it.

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

<b>FOR</b>	<b>AGAINST</b>
Mr Quirk	None
Mr Hall	
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Anderson	
Mr Singer	
Mr Quayle	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Corkish	
Mr Cretney	
Mr Skelly	
Mr Gawne	
The Speaker	

**The Speaker:** With 21 votes for, no votes against, the motion carries unanimously.

Hon. Members, that concludes the business of the House today. I have been asked to remind you that the Department of Health has its Cancer Strategy presentation at 1.30 in the Barrool Suite.

In the meantime, I remind Hon. Members that the unveiling of the portrait will now take place in the Keys lobby. The House will now stand adjourned until the next sitting, to take place at 10 o'clock on 1st May in this Chamber.