

Licensing (Amendment) Bill 2012
Second Reading approved

3.3. Mr Singer to move:

That the Licensing (Amendment) Bill 2012 be read the second time.

The Deputy Speaker: We move then to Item 3.3, the Licensing (Amendment) Bill 2012. I call upon the Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Deputy Speaker.

The Bill has two provisions: firstly, it provides that, whereas 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 a 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 to have to seek a court order for disposal or have to hand it over to the parent or guardian.

In various parts of the Island there are designated areas, made under 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. There are more applications to create such areas in the pipeline.

There is also public confusion as to what is permitted in the present designated areas, and the Police can have problems where, by moving across the road, a person is no longer in the designated area. By encompassing this provision Island-wide, it would also 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 if he or she sees fit.

These powers at present only extend to the 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, and still being encountered, by police officers in relation to anti-social behaviour. These regularly involved 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 both 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 anti-social behaviour.

At present, a person warned within a designated area by a policeman simply has to move out of the area and the Police then have to either 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 Members are aware, this was a very large Bill and it failed to complete during the life of the last Government. It is being presented as several smaller Bills. I was informed that the provision presented to this House, that is in this Bill, would probably not be before the House until 2013 or 2014. I would emphasise that other licensing matters will be brought forward in the miscellaneous provisions Bills by the Department in due course. Having had discussions with the Department and the Hon. Minister, they offered their full support to me to bring this section of the Bill forward.

I cannot emphasise too strongly to Hon. Members that this provision will not stop the drinking of alcohol 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 the power conferred on a constable by this provision will be governed by a code of practice. So, Hon. Members, sitting or standing outside a pub, having a picnic in the park etc and a drink will not be affected. The power will be a conditional one, preventing overzealous police constables using their powers to prevent, for example, those picnickers having a glass of wine with their meal, and I will refer to this shortly. What this provision does do, I 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 them out unless Hon. Members wish me to – and the proposal was very well received. There were a couple of points dealing with constables' powers, and a comment that the matter of seizure from minors should remain with the court. I would like to point out to Hon. Members that, under the Police Powers and Procedures Act 1998, there is a code of practice for the Police in regard to Police behaviour, which makes them subject to disciplinary procedure for not complying with the code. If this Bill becomes law, the code of practice will be reviewed to define the Police limits in exercising their new powers. Hon. Members will see in the Bill that fines for the offences allow for a figure of up to £500, which I believe is the right level at this time.

Mr Deputy President... not yet! Mr Deputy Speaker, I therefore move that the Second Reading of the Licensing (Amendment) Bill 2012, in respect of the disposal of liquor and drinking in public places, be approved.

Mr Watterson: Mr Deputy Speaker, I beg to second and indicate the Department's support for this Bill.

The Deputy Speaker: Hon. Members, moved and seconded that the Licensing (Amendment) Bill 2012 be read a second time. All those in favour, say aye; those against, no. The ayes have it. The ayes have it.