

Licensing (Amendment) Bill 2012
Third Reading approved

3.3. Mr Singer to move:

That the Licensing (Amendment) Bill be read a third time.

The Speaker: We turn now to the Licensing (Amendment) Bill, and I call on the Member in charge, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

This Bill seeks to amend the Licensing Act 1995 in respect of the disposal of liquor and drinking in public places.

There are two main provisions: (1) currently a constable may order a person who is causing a nuisance to stop drinking in public areas of the Island designated for such permissible intervention – this Bill will permit the constable to act in all public areas of the Island; and (2) the Bill provides, by amendment of section 74 of the Licensing Act 1995, for an officer to dispose of liquor seized from a minor as he or she thinks fit, rather than as at present having to seek a court order or hand the liquor over to a parent or guardian, both of which are time-consuming matters.

There are designated areas of the Island specified under section 76 of the Licensing Act 1995, within which a person commits an offence if, after having been warned by a police officer to stop drinking liquor, continues to do so. This carries as a punishment on summary conviction of a fine not exceeding £500. But there can be a problem if a person, having been warned, moves to a non-designated area and continues drinking, when normal arrest procedures then have to take place. By encompassing the provision Island-wide, it controls also the need for many unsightly signs in the major towns, marking the entry to such areas.

‘Public areas’ are defined in the Bill and I referred to these at the clauses stage. Fines for the offences remain at a maximum of £500 on summary conviction. The Bill will protect those people who are out socially from being adversely affected by persons whose behaviour is unacceptable, due to the imbibing of alcohol. The Department of Home Affairs has consulted widely and received strong support for these measures.

There are two important points which I cannot stress too strongly. Firstly, the Bill will not stop law-abiding people out in public areas from having a drink, whether outside a pub or having a picnic, for example. An offence is only caused by a person who is causing a nuisance because of drinking and refuses to stop drinking when requested to do so by police officers.

Secondly, the question was asked about overzealous police officers. Under the Police Powers and Procedures Act 1998, there is a code of practice for the Police in regard to police behaviour, and they are subject to disciplinary proceedings for not complying with the code. If this Bill becomes law, then the code of practice will be reviewed to define the police limits in exercising their new powers.

In conclusion, Mr Speaker, I would like to thank Hon. Members for their support through the previous stages of the Bill, and hope that they will support this Third Reading. I would also like to take the opportunity of thanking the Minister for Home Affairs and Mr Lalor-Smith for their support, Melissa Hedqvist of the Attorney General’s office for help in drafting the Bill, and the Clerk, Mr Phillips, for his advice.

Therefore, Mr Speaker, I move that the Licensing (Amendment) Bill 2012 receive its Third Reading.

Mr Watterson: I beg to second, sir.

The Speaker: I put the motion that the Licensing (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Thank you, Hon. Members.