



# LEGISLATION PROPOSAL

to enact new legislation

to amending existing legislation

## 1. For the attention of the Chair of the:

- Economic Development Committee
- Education Committee
- Environmental and Natural Resources Committee
- Public Health Committee
- Social and Community Development Committee
- Other: .....

## 2. Name of Promoters: Councillor Thomas and Councillor Ellick

### Contact details:

DerekThomas@helanta.co.sh>  
Councillor.Ellick@helanta.co.sh

## 3. Background Information

*The Liquor Ordinance makes provision for an occasional licence to be issued permitting the sale of alcohol on the occasion of any entertainment or special occasion. As currently enacted, s. 8 requires a separate licence for every entertainment or special occasion and the maximum duration of that licence is two consecutive days. There is a fee of £10 payable upon the application for the licence and a further fee of £10 payable when the licence is issued.*

*The effect of s. 8 of the Ordinance is to place a substantial burden upon any businesses providing bar services at such entertainments and special occasions. For example, Amphibians Bar attends the sporting events at Francis Plain every weekend during the relevant season (26 weeks of the year). The owner must make an application to the Magistrates Court every week for a licence. In practice, these applications and the issued licences are identical with only the date being changed. The administrative processing and court time required for each application place a burden not only upon the business but also upon the court. There is no discernible benefit to any one in these applications being made separately for each occasion.*

*Further, the cost of having to make separate applications is considerable. It is estimated that Amphibians makes approximately 75 applications in a 12 month period. The cost is £1,500. This must be contrasted with the cost of a tavern, hotel or restaurant licence which costs only £100. Whilst the cost of licencing the sale of alcohol from fixed premises is undoubtedly less than a business without premises, the difference does not appear proportionate.*

## 4. Evidence Relied on

*Matters raised by constituents with Councillors.  
List of dates when occasional licences were issued from Judicial Services.*

**5. Details of Proposal**  
(attach further pages if necessary)

*It is proposed that s. 8 of the Ordinance be amended to permit an application to be made on the occasion or occasions of any entertainment or special occasion, provided that:*

- A. Upon all occasions for which the licence is granted, the location and other arrangements for the sale and consumption of alcohol are identical; and*
- B. The licence so granted is valid for no more than 26 specified occasions covering no more than two days in any seven day period and no more than two consecutive days.*

**6. What will happen if no legislation is made**

*There will continue to be an unnecessary and disproportionate burden as a result of the system of occasional licences. Others may be discouraged from engaging in businesses requiring occasional licences.*

**7. Impact of the proposed legislation**

*The proposed amendment will reduce the administrative burden upon the court and upon businesses that operate mobile bars.*

*The revenue from fees for licences will also reduce as result the need for fewer applications. However, this will be balanced by a reduction in the work required to process such licences.*

**8. Proposed timescales**

*The draft Bill should be ready to present to Executive Council in January. It has been included in the draft legislative programme for the fourth sitting of the Legislative Council.*

**9. Promoter's Signature & date**



## DECISION OF THE LEGISLATIVE COMMITTEE AFTER CONSIDERATION OF THE PROPOSAL

10. The proposal was considered on [date]

13 December 2017

11. Officials & guests who discussed the proposal

Christine Cooper, Crown Counsel (Community Care)

12.a The Committee recommends no further action because:

or

12.b The Committee recommends that the following be done and the proposal be referred back to the Committee on [date]

*The committee gave the mandate for s. 8 of the Ordinance be amended to permit an application to be made on the occasion or occasions of any entertainment or special occasion, provided that:*

- A. *Upon all occasions for which the licence is granted, the location and other arrangements for the sale and consumption of alcohol are identical; and*
- B. *The licence so granted is valid for no more than 26 specified occasions covering no more than two days in any seven day period and no more than two consecutive days.*

or

12.c This is a mandate to the promoter to prepare drafting instructions with the following directions

*Public consultation with Police and Judiciary to be undertaken in January 2018 prior to bringing the matter to ExCo.*

13. This proposal together with an ExCo Memo will be added as an agenda item at the ExCo on [insert date]

23 January 2018

14. The ExCo Memo will be prepared by

Christine Cooper

15. Signature of Chair

16. Date

13 December 2017