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Memorandum for Executive Council

SUBJECT

Liquor (Amendment) Bill

Memorandum by Chairman of the Social and Community
Development Committee

ADVICE SOUGHT

1. **Council are asked to consider and give approval for the attached Liquor (Amendment) Bill, to be printed, published and presented as Government Business at the next session of the Legislative Council.**

BACKGROUND & CONSIDERATIONS

2. 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.
3. 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, a business 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.
4. Further, the cost of having to make separate applications is considerable. It is estimated that one business makes approximately 80 applications in a 12 month period. The cost is £1,600. 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 is disproportionate.
5. The Liquor (Amendment) Bill amends s. 8 of the Ordinance to permit an application to be made on the occasion or

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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;
- 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.

FINANCIAL IMPLICATIONS

6. Enacting the Bill would reduce the fees paid for occasional liquor licences. At the moment, fees totalling £20 are paid for otherwise identical licences for a series of events. Once the Bill has been enacted, one fee will be paid for a series of up to 26 otherwise identical licences.

ECONOMIC IMPLICATIONS

7. The current provisions are onerous for anyone running a business that includes the sale of alcoholic drinks at special occasions or sporting events. The cost of licence applications can amount to very substantially more than for a business operating from fixed premises. The administrative burden of making the applications is also more onerous.
8. It is likely that by reducing these burdens such businesses will become more attractive and, consequently, that more such businesses will be established.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

9. This paper supports Investment Policy Principle 1 i.e. *Make Saint Helena a desirable and competitive destination to do business by removing barriers to investment.*

PUBLIC/SOCIAL IMPACT

10. There should be little public impact. The process of obtaining an occasional licence will still require scrutiny of whether this particular occasion should be licenced.

ENVIRONMENTAL IMPACT

11. No Environmental impact.

PREVIOUS CONSULTATION / COMMITTEE INPUT

12. Judicial Services, the Chief Magistrate, Crown Estates and the Police have been consulted about the proposed changes. The Police and Crown Estates had no objections. Judicial Services and the Chief Magistrate broadly welcomed the proposal.

13. The S&CDC has approved the Bill for presentation to Executive Council.

PUBLIC

14. The public reaction is likely to be minor as the changes

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REACTION should only affect businesses that require occasional liquor licences.

PUBLICITY 15. The passage of this Bill is expected to be of some interest to the public and to the media. The decision should be included in the ExCo report and associated broadcast.

SUPPORT TO 16. None.

STRATEGIC

OBJECTIVES

OPEN AGENDA

ITEM 17. Recommended for discussion in open session.

DATE OF MEMO 21 March 2018

AG

Corporate Services
The Castle

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