

Joint Committee on Justice debate - Tuesday, 31 Jan 2023

General Scheme of the Sale of Alcohol Bill 2022: Discussion (Resumed)

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Acting Chairperson (Senator Barry Ward)

We have received apologies from Deputy Patrick Costello. I remind members and witnesses to turn off their mobile phones as the signals can interfere with the recording mechanisms.

We are resuming pre-legislative scrutiny of the general scheme of the sale of alcohol Bill 2022. This is the second hearing we have had on the subject. The previous meeting was held last week. The purpose of this meeting is to have an engagement with a number of stakeholders. I am very grateful to all of them for being with us today. From the Institute of Public Health, I welcome Dr. Helen McAvoy, director of policy, and Dr. Ciara Reynolds, public health development officer. From the Irish Community Action on Alcohol Network, I welcome Ms Marie Lawless, policy and research officer, and Ms Paula Leonard, national lead for community action on alcohol. From Alcohol Action Ireland, I welcome Dr. Sheila Gilheany, CEO, and Professor Frank Murray, chair. From the trade union Mandate, I welcome Mr. Gerry Light, general secretary, and Mr. Jim Fuery, divisional organiser. The chief executive officer of the National Transport Authority, NTA, Ms Anne Graham, is here also. As was the case last week, we are joined by officials from the Department of Justice. I welcome Ms Juliet Dwyer, principal officer, and Ms Patricia Butler and Ms Patricia O'Moore, assistant principal officers. I thank the witnesses for joining us.

Witnesses and members are reminded of the long-standing parliamentary practice to the effect that they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable, or to engage otherwise in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue these remarks. It is imperative that they comply with any such direction. For witnesses attending remotely from outside the Leinster House campus there are some limitations to parliamentary privilege and as such they may not benefit from the same level of immunity from legal proceedings as a witness physically present does.

In the order in which they are seated, I will invite the witnesses to make their three-minute opening statements. Once all those statements have been delivered, I will call on members of the committee, in the order in which they have indicated to the Chair, to put their questions. We operate on a rota system which provides each member with an initial seven minutes to engage with the witnesses. It is important to note that the seven minutes include the question and the answer. We ask witnesses to be as succinct and brief in their responses as they can. When all members who have indicated have had their initial opportunity to engage with the witnesses, there may be a second round, if time allows, with up to three minutes for both questions and answers for each member. Please note that the duration of this meeting is limited and the times must be strictly adhered to. I ask everyone to be focused in their contributions.

I invite Dr. McAvoy to make her opening statement on behalf of the Institute of Public Health.

Deputy James Lawless took the Chair.

Dr. Helen McAvoy

I am grateful for the opportunity to present evidence on this important legislation. The Institute of Public Health was founded by the Departments of Health in Ireland and Northern Ireland. This year we mark our 25th anniversary. Our organisation provides evidence to inform public policy, including a long-standing focus on reducing alcohol-related harms. Our declaration of interest statement has been provided in the documentation.

There is consistent evidence that alcohol consumption remains high in Ireland and that alcohol-related harms affect most people in our society, whether they are drinkers or non-drinkers. The Public Health (Alcohol) Act is the main legislative instrument to support a reduction in alcohol harms. It includes measures to reduce the appeal, accessibility and affordability of alcohol. The effectiveness of this Act relies on policy coherence across government. The impact can be reduced or enhanced by other regulatory decisions. The general scheme of the sale of alcohol Bill 2022 includes some useful provisions to regularise alcohol licensing. Ultimately, it provides for extended drinking hours in both indoor and outdoor venues. These extended trading hours are proposed not just in pubs and clubs but in holiday camps, sporting clubs, trains and airports. The Government's commitment to modernise alcohol licensing and enhance Ireland's nightlife is really welcome but we are concerned that the measures in this proposed Bill could have significant unintended consequences, particularly increasing the overall availability of alcohol, thereby increasing consumption and alcohol-related harms with increased demands for our emergency and health services. Secondary to that, there is a risk of reinforcing alcohol consumption as central to the experience of our rich social, cultural, leisure and sporting activity and perpetuating cultural norms around alcohol in those settings.

With this in mind, we invite the committee members to consider five key recommendations. First, to commission a health impact assessment to fully consider the potential health effects from the measures proposed in this proposed Bill; second, to establish a public health criterion within the application, determination and renewal of all forms of licence in Parts 3, 4 and 10; third, to ensure that the HSE is an identified notifying party to all licence and-or permit applications Parts 3, 4 and 5; fourth, to seek an expert assessment of the likely impact of extended trading hours on drink and drug driving and an appropriate risk management approach to support the goals of Ireland's Road Safety Strategy 2021-2030; and fifth, to review the stigmatising approach to "drunken persons" and require additional measures to enhance the duty of care of licence-holders to patrons where this Bill facilitates prolonged periods of alcohol supply on their premises.

Chairman

I thank Dr. McAvoy. I thank Senator Ward for chairing the meeting until I was able to join. I invite Ms Lawless to make her opening remarks.

Ms Marie Lawless

I thank the committee for the opportunity to represent the voices of communities here today. The Irish Community Action on Alcohol Network, ICAAN, was formed with support from Alcohol Forum Ireland back in 2017 to advance community action on alcohol.

It comprises members of local and regional drug and alcohol task forces.

ICAAN is represented on a number of national policymaking forums and is a founder member of the World Assembly for Community Action on Alcohol. ICAAN has been active on alcohol licensing, training, advocacy and policy since 2017, when we organised a national round-table discussion. We have developed a community guide to alcohol licensing, developed, with the Atlantic Technological University, Ireland's only specialised certificate in alcohol licensing law, advocated for consolidation of the licensing code and campaigned for greater regulation of the fast-growing area of drink delivery services. We have been afforded legal expertise in this work through the Bar of Ireland's voluntary assistance scheme.

ICAAN welcomed the announcement by the Government that it was finally proposing to consolidate alcohol licensing legislation and the announcement by the Minister for Justice, Deputy McEntee, that hearing from communities would be an important part of the debate. We also welcomed the Department's indication that one of the objectives of the general scheme of the sale of alcohol Bill would be to reduce alcohol-related harm, especially among young people. However, we do not believe the proposed Bill will achieve that objective. In November, we commissioned a RED C poll, the findings of which highlighted significant concerns regarding these proposals. The poll found that 51% of respondents agreed that extending the hours at which alcohol

can be sold will have a negative impact on public health, safety and order. The poll also found that 59% agreed there needs to be a wider public consultation to ensure the public understands what the changes will mean and, furthermore, 74% of respondents agreed that any proposed extension to the sale of alcohol should be accompanied by plans to put in place and fund the additional services needed to cover the additional consumption hours. In addition, 65% agreed there should be stronger regulations in place for alcohol delivery services and 63% are concerned that unregulated online and over-the-phone sales of alcohol are facilitating underage drinking.

ICAN fully supports the case made today by our colleagues from the Institute of Public Health in Ireland and Alcohol Action Ireland for a retention of the extinguishment requirement and of the current closing hours for both on-licence premises and nightclubs. The evidence is clear that deregulation and extending hours will increase harm. We invite committee members to consider our key recommendations in regard to the general scheme. First, we need a clear definition of "drink deliveries", with the introduction of a new category of licence, robust age verification requirements, specified hours for both sale and delivery and limits on volume of alcohol sold per customer, per night. Second, there must be mandatory training, delivered independently of the alcohol industry, in responsible practices for servers of and traders in alcohol. This should apply to all those involved in the supply, sale and delivery of alcohol, including delivery drivers and others. Third, we call for inclusion of a child protection objective within the current licensing legislation that will outline clear regulations in respect of the presence of children under 18 years of age on licensed premises with parents or guardians and unaccompanied minors attending events on licensed premises, even when alcohol is not being sold. I thank members for their time and welcome any questions they may have on these matters.

Chairman

I thank Ms Lawless. The next speaker is Dr. Gilheany, whom I know from her previous role. Given her scientific background, I have no doubt her testimony will be evidence-based.

Dr. Sheila Gilheany

I thank the committee for the opportunity to comment on the general scheme of the sale of alcohol Bill. Alcohol Action Ireland welcomes efforts to bring together licensing regulations in a coherent manner. Our view is that this is an opportunity to make clear that the purpose of the licensing of alcohol should be one of protecting health. That should be stated clearly in the proposed Bill.

It is also an opportunity to make statutory provision for the systematic collation of relevant data around alcohol. For example, disclosure of the level of annual alcohol sales should be a condition of licensing. Equally, there should be statutory monitoring of harms such as alcohol-related assaults, domestic and gender-based violence, public order offences, ambulance call-outs, admissions to emergency departments, etc. These

should be done with particular reference to location. Coupled with evidence of alcohol sales in specific areas, this would allow for informed decision-making about the granting or renewal of licences.

We are also concerned that in a proposed Bill that is ostensibly about the streamlining of legislation, there has been a sudden move to make provision to extend licensing hours and increase density of outlets. There is an assumption that to have enhanced cultural experiences and nightlife, there must be additional provision for alcohol sales. We challenge this view. Indeed, the success of the very family-friendly Culture Night festival shows this is not the case. Likewise, there is a view that tourism is dependent on the pub. Pubs are unique, but they are not central to the tourist offering, as Fáilte Ireland visitor surveys confirm.

On another issue, the evidence from multiple jurisdictions is clear, as outlined in our written submission to the committee. Increasing alcohol availability, whether through longer licensing hours or increased density of outlets, leads to a range of harms. For example, a one-hour extension of alcohol outlet closing times in Amsterdam's nightlife areas was associated with 34% more alcohol-related injuries. A similar study in Norway found that each additional one-hour extension was associated with a 16% increase in violent crime. There is also a close association with increased levels of domestic violence. The corollary is also true in that restrictions can reduce both parental alcohol consumption and violence towards children. For instance, in the US, it has been estimated that one fewer alcohol outlet per 1,000 people would reduce the probability of severe violence towards children by 4%. Such knowledge cannot be ignored in a country where, every day, 200,000 children live with the trauma of alcohol harm in the home.

Alcohol is responsible for four deaths every day, a third of which are from accident or incident. Alcohol-related harm costs Ireland at least €3.7 billion annually, including €1.2 billion to the justice system. Without a change, our GDP will be nearly 2% lower on average between now and 2050. Consideration should be given to the implementation of a polluter pays principle and, like the measures in the Gambling Regulation Bill 2022, include provision for a social impact fund in regard to the licensing of alcohol sales. We urge the committee to reflect on these facts and to act to put public interest above vested interest.

Chairman

I thank Dr. Gilheany. The next speaker is Mr. Light of Mandate.

Mr. Gerry Light

I thank the Chairman and members of the committee. I may have some difficulty with the three-minute limit. I ask that the Chairman feel free, as I am sure he will, to intervene, at which point I will conclude.

Chairman

I can give a little latitude but, to be fair to the other contributors, I must keep it fairly tight. Mr. Light will have an opportunity over the next couple of hours to get into the nitty-gritty by way of engagement with members.

Mr. Gerry Light

That is great. I thank the Chairman and members for the opportunity to make this presentation. Mandate trade union represents approximately 30,000 members in the retail and bar trades. Traditionally, our union has had a presence in the licensed trade, representing workers in both the bar and catering areas of the sector. We welcome the opportunity to present our position on behalf of our members in respect of the reform of Ireland's licensing laws. We believe we are an important representative voice in shaping the final legislation.

It is estimated that up to 50,000 workers are employed in the licensed trade sector. However, since the onset of the Covid pandemic, there has been a significant exodus of workers from the sector, with high labour shortages now being experienced. The introduction of new legislation governing the operation of the sector must allow for constructive and positive realignment of the sector and the jobs within it. If the opposite transpires, it would be counterproductive from the perspective of workers. Traditionally, working in a bar carried with it good and secure terms and conditions of employment, with an established apprenticeship structure. Bar work was, in many ways, a career of choice. Therefore, any proposed drafting and application of new legislation must ensure this element of the sector and the legitimate aspirations of the workforce within it are restored and sustained into the future.

Bar work, by its very nature, falls into the category of high-risk occupations, particularly from a health and safety perspective, with workers already exposed to long working hours and having to deal with unnecessary levels of aggression, violence and intimidation from some customers under the influence of alcohol. A good example of progressive legislation was that relating to the introduction of the smoking ban, which Mandate proudly fought for and won on behalf of its members. The proposed legislation under consideration must adopt the same level of awareness and priority when it comes to the well-being of workers in the licensed trade sector.

Some of the recommendations outlined in our presentation mirror those contained in the recent report compiled by the Joint Committee on Tourism, Culture, Arts, Sport and Media, which focused on working conditions and skills shortages in Ireland's tourism and hospitality sector. We have included a link to that report in our submission. I will now outline our specific recommendations. First, given the importance of the licensed trade sector to society, a special forum should be established to oversee the operation of the sector, similar to the one that operates under the Department of Enterprise, Trade and Employment in respect of the retail sector.

Ownership in the licensed trade sector has been much fragmented over the years, resulting in a weakening of the centrally and collectively bargained terms and conditions previously enjoyed by bar workers.

We must ensure that any extension to opening hours does not exacerbate this situation further. Therefore, a solution must be found to the legal obstacles created which deny workers the right to have their terms and conditions established through sectoral collective bargaining. A specific provision should be established for the revocation of a licence, temporary or permanent, if breaches to employment law occur. Workers, or their chosen representatives, should be included in the groups objecting to the issuing of a renewal of a licence based on proven disregard for entitlements contained in workers' rights legislation.

We are also calling for a beefing-up of the capacity of the Workplace Relations Commission to ensure it can carry out adequate inspections in the workplace.

Any new legislation should facilitate the active involvement of the Department of Further and Higher Education, Research, Innovation and Science in the delivery of apprenticeship, traineeship and third level and degree programmes in jobs directly linked to the sector.

There should be the introduction of a mandatory provision of premium pay for hours worked beyond 11.30 p.m and the legislation should ensure all licenceholders have sufficient staff trained in health and safety, and technique skills to de-escalate potential disputes.

Stronger penalties must exist for employers who breach the Organisation of Working Time Act on breaks, specifically, and those who do not pay staff for cleaning up time at the end of a shift. Also, workers must be allocated appropriate breaks during and between shifts. There should be provision of transport for workers expected to work unsocial hours or financial compensation for this or both.

Specific legislation should be introduced to deal with the threatening or abuse of workers, including the sexual assault of workers in the licensed trade. This legislation will make it a statutory offence for assaulting, threatening, abusing, obstructing or hindering workers. A statutory aggravation to that offence should be created where the worker is enforcing a statutory age restriction. Such legislation should ensure all employers provide access to counselling where and when required. Bar workers among all occupations, have a fixed €93 allowance for the maintenance of their uniform and that should be increased.

Licenceholders should be required to provide five days' paid release for elected trade union, and health and safety representatives. It is well recognised also that alcohol consumption creates many societal and health care issues for individuals and the

public. We are requesting the ring-fencing of a portion of excise duties for sports and culture, in addition to tackling addiction and mental health issues.

Finally, we support calls for the reform of the extinguishment requirement, with the provision that all new licences are permitted based on respect for the international human right for workers to be represented by a trade union of their choice for individual and collective issues. I thank the Chair and the committee for their forbearance.

Chairman

Mr. Light is welcome. I allowed him to run over his time somewhat because I could see that there was a finite number of recommendations and it made sense to get through them all, rather than cutting him off halfway through them and that is fine. I now call Ms Graham from the National Transport Authority. She is very welcome to the committee and she may make her presentation now, please.

Ms Anne Graham

I thank the Chairperson and members for the invitation to attend the committee. The National Transport Authority would like to bring to the attention of the committee the possible impact of the proposed section 89, on prohibited hours generally, of the sale of alcohol Bill 2022, if enacted.

The proposed general prohibited hours of 12:30 a.m. to 10:30 a.m. is an effective extension of the opening hours of licensed premises in the evening by one additional hour. Historically, the timetable for the provision of urban public transport services aligned with the opening hours of licensed premises at 11.30 p.m. While some services are provided later in the evening, the majority of public transport services terminate in our cities at or before 11.30 p.m. I acknowledge that outside of the cities, the public transport services can terminate at much earlier hours.

The National Transport Authority is supportive of the ongoing development of the evening and night-time economy and is working closely with the relevant Departments and stakeholders to provide an appropriate level of public transport services during the night to support those availing of social and cultural activity, and to support those working in those industries.

The BusConnects networks for Dublin and Cork support the provision of 24-hour bus services on key routes on a seven-day basis. The design of the Galway and Limerick network of bus services is currently under way, with Waterford scheduled for redesign in 2023. The provision of 24-hour bus services will be considered in those redesigns.

BusConnects Dublin implementation is under way and to date, ten 24-hour seven-day bus services have been provided in Dublin, while maintaining the weekend Nitelink services on other key routes. Further 24-hour services will be provided over the next few years if the current shortage of driver resources in the industry is eased. In Cork, it is

planned to provide an additional 24-hour service to support the service 220 that is currently provided.

If the extension of the general opening hours of licensed premises to 12.30 a.m. is enacted, the authority will have to re-examine the timetables of bus and other public transport services to see whether it is possible to extend a proportion of these services to later operating hours in our cities, what the impact of those extensions would be on the transport operators and their staff, and what the cost to the Exchequer would be to provide any additional operating hours beyond the current schedules.

The authority is not just focused on the provision of services in urban areas but is also working to provide an appropriate level of services in towns and rural areas through its Connecting Ireland programme. The demand for late-night transport services in rural Ireland is more difficult to meet with appropriate services but the authority continues to examine innovative solutions in the provision of bus, taxi and hackney services across the country to meet the demand.

I will be happy to answer any questions.

Chairman

I thank Ms Graham. That concludes our opening round of presentations on behalf of our stakeholders. I thank them all for their very interesting and thought-provoking presentations and submissions. I will now move to the members. The way we operate our business is that each member is allowed a seven-minute slot. That seven-minute slot includes both questions and answers. A member can choose to deliver a soliloquy for six minutes and 30 seconds, and have very little time for answers, if he or she wishes. That is their mandate. They may, alternatively, choose to take their time and engage with each of our guest speakers over the course of seven minutes. That is how we run the business. The first member to indicate is Senator Ruane, who I will invite to contribute now.

For the information of members as to who will be coming up next, the order of the first opening three speakers, who we will take one at a time, is Senator Ruane, Deputy Pringle and Deputy Ó Ríordáin. I invite Senator Ruane to speak now and she has seven minutes.

Senator Lynn Ruane

I thank the Chair and everyone else for their presentations today. I will have to leave after this engagement as I am also on the Committee on Children, Equality, Disability, Integration and Youth. There is a clash, I must go next door, so my apologies in advance.

I have read all the submissions. I have two by two, that is four questions. I will ask all of the questions first and will then get replies, if I may. I have two questions for the Irish

Community Action on Alcohol Network, ICAAN and two for Mandate.

Public health is something I am interested in but I am sceptical with regard to extending the licensing as to time and its impact on public health. I know that Ms Lawless said that the evidence is clear and I am not sure that that is the case. I have experienced many different European cities where the nightclub and nightlife scene can start anywhere from 11 p.m. until 3 a.m. I have seen how the bus routes run, how that phased going home of people from compact cities occurs, and have seen less public order issues in those spaces. I know that Dr. Gilheany mentioned Culture Night and family night, and that is all well and good, but obviously culture is diverse and not everybody is going to be interested in those earlier family events. The nightclub scene, for me, is a very special case when it comes to the sale of alcohol.

I also believe that there must be a public health and an education message in there but whether that is for this Bill or should be contained in the Public Health (Alcohol) Act, and the parts of that legislation that have been commenced; I am not completely sure. I am still somewhat ambivalent about how we approach all of that. Of my two questions, one is in respect of the drink delivery services in communities. On reading the presentation from ICAAN, it appears that our guest speakers are saying that these come from pubs. In communities like mine that is not the case, so I am wondering how one licenses that, because it is just random people selling alcohol. As a teenager, we had people in communities whose door we would knock on and buy alcohol from them. It was sold wholesale from their house. Can our guest speakers explain a little bit more as to how they might see this being addressed and contained within this Bill about licensing?

My second question refers to the child protection objective. Can ICAAN outline why it is recommending that a child protection objective is included in the legislation?

I will deal quickly with my two questions for Mandate. It made many recommendations but I will just pull two of these which stood out to me the most. One of those is that due to ownership in the licensed trade sector, which has been very fragmented over the years resulting in the weakening of central and collectively bargained terms and conditions which were previously enjoyed by bar workers; I ask how have these been weakened?

My second question asks about the capacity of the WRC. The Australian and New Zealand models are mentioned where inspections are carried out by trade unions. Can Mandate elaborate a little bit further, please, on how that works in Australia and New Zealand, if it is the case that the WRC is not resourced at present to carry out those inspections itself? I thank the Chair.

Chairman

I thank the Senator and I notice that Ms Lawless has indicated her wish to contribute

now, please.

Ms Marie Lawless

I thank Senator Ruane. I will answer on alcohol deliveries and Ms Leonard will probably answer on child protection. We may contribute as well on certain other parts. On alcohol deliveries, it took a while for us to get our heads around it even when we were explaining it because there is no actual definition of alcohol deliveries. In some countries, they call it "remote sales" or "distance sales" or "rapid delivery" if it happens within two hours. It covers a wide range. It can be in a licensed premises, or be unlicensed. At the moment, there is 24-hour access to alcohol. There is a lot of best practice within licensed premises as regards delivery services, based on their own self-regulation. They may have refusal books or make sure there is age verification on delivery for online ordering and when they deliver to a premises. It also puts workers at risk if it is late at night and there is a refusal. There are no hours for delivery in the current legislation. For example, there are hours of licensing for opening but in other countries, not all of those hours are used for delivery hours. In some states in the United States, there is 24-hour access but delivery only happens at particular hours. In unlicensed sales, it may involve social media, in many cases, such as WhatsApp, or be from car boots. Across the whole spectrum, there is delivery to public spaces, corners of buildings and multiple deliveries where there are congregations of people in a park where other risk behaviours are happening. This was spotlighted during the pandemic. People may be aware from the media that clarification was sought even by An Garda Síochána around what the law was but it did exist prior to that. Ireland is not the only country where this is taking place. It is happening at a rapid-access point. There is now powdered alcohol. There are apps you can download to order and pay perhaps three to six months later. There is also everything that goes with social media like stories, competitions and drinking games. By asking for consideration of a licence for alcohol deliveries, we are looking to make it clearer, not only as a baseline to know what is going on in the country but also to assess applications against. The idea is that there would be mandatory independent training, logbooks, vehicles with signage so people know who is delivering, protection for workers and age verification. At the moment, it is hard to prove online if somebody is over 18. Some countries have implemented double verification where you have to register for a delivery service. Our senior counsel assistance through the Bar highlighted that the form of identification given must match the one used on ordering and that delivery drivers become agents of alcohol delivery services so in some respect, they are also protected. To answer the Senator, it is a way to make it clearer. At the moment it is a haze. In a community you are not quite sure where it is coming from. Licensed trade would also, from speaking with communities across Ireland, welcome clarity because everyone is involved in certain practices even though they may be putting in positive practices in their area in terms of curtailment or safer responsibility of trade or serving of alcohol. That licence would give clarity and something that could be reviewed as this accelerated action is going on.

Mr. Gerry Light

Regarding the collective bargaining situation, for many years collective bargaining and centralised bargaining took place with one of the major representative bodies of the licensed trade. They walked away from that a number of years ago, which fragmented the whole sector. Now, you are dealing with a whole host of individual employers and it is much more difficult to get a standardisation of approach in the sector. That is important and the reason why we say "legal obstacles", by which we mean by that is there is much focus now on the whole area of collective bargaining. The Labour Employer Economic Forum, LEEF, high-level group has issued its report around that. We say that if employers continue to interpret the voluntarist nature of our industrial relations systems like that, the State has to step in and put a robust right to statutory collective bargaining rights for workers in any sector, but particularly in the sector we are talking about today.

On the second point regarding the role of other unions and other countries; it does exist and works well. In fact, it worked here in the construction sector for many years, where trade union officials went in, particularly around the area of health and safety. If the State cannot provide it, it must look at other means of providing it. For years, as a member of the Low Pay Commission, I always maintained the view that entitlements are one thing, but unless you have information around those entitlements and an ability to enforce them, they are meaningless. We are aware there are quite a number of vacancies in the WRC, which should be filled immediately. If the State cannot provide that, it should look to other sources and organisations like trade unions, which have experienced trade staff who are able to deal even within the narrow focus of health and safety. Clearly, they would also be able to deal with work and entitlement rights regarding terms and conditions of employment.

Deputy Thomas Pringle

An Garda Síochána was on the list of submissions today, are their representatives coming in?

Chairman

An Garda Síochána made a written submission, as did many other groups, and was invited to today or last week's hearing but declined to take up that invitation. We had expected An Garda Síochána up until recently as it had accepted the invitation but then changed its mind and did not subsequently come in. That is An Garda Síochána's prerogative but we have its written submission which will feed into our deliberations at the end. For whatever reason, An Garda Síochána chose not to attend.

Deputy Thomas Pringle

It is disappointing when it has such a key role.

Chairman

Yes, absolutely. I would have expected its representatives to attend but it declined the invitation.

Deputy Thomas Pringle

I thank the Chair for the opportunity to speak. It is interesting that much of the focus of the legislation is on the off-trade and licensed pubs and so on. From Ms Lawless's contribution, one can hear that alcohol has become much different from something that is just bought in pubs. Even our own figures show that the vast majority of sales are now off-sales in supermarkets, not even in off-licences. It is mostly supermarkets and the like. That is a real problem and legislation has a lot of catching up to do to meet that requirement. Will Ms Leonard respond to the last question about child protection? The work the Irish Community Action on Alcohol Network is doing interesting work in this area. The impact alcohol has on children and young people across the country is important and should be examined further. We need to look at how off-sales and the delivery of alcohol are going to work. Will Ms Leonard expand on her thoughts on that? If there is any time left after that, will Mr. Light speak more about the union matters? Perhaps this is not the proper legislation for that, maybe it is a matter for the Department of Enterprise, Trade and Employment. Premium pay for after-hours work is important as is transport for staff when places close. Those issues should be addressed in this legislation.

Ms Paula Leonard

I thank the Deputy. The Irish Community Action on Alcohol Network has sought the prioritisation of child protection and to have the child protection objective built into this important and huge legislation. There are a number of grounds on which we make that argument, the first being that current legislation is extending the hours during which children can be present on licensed premises with their parents. They are now permitted in winter hours on licensed premises where alcohol is being sold and consumed until 9 p.m. and in the summer until 10 p.m.

We are quite concerned that the 15-year-old requirement to stay at a private function has been removed. We have, effectively, created conditions whereby children can be present at 21st and 18th birthday parties and family get-togethers until whatever hour alcohol is being sold. If that is now to the new extent of 2 p.m. for a late licence, children could be exposed to high-risk drinking occasions and harm.

We strongly recommend that the committee examine the fact that in 2004 legislation was introduced which allowed for large-scale under-18 events on licensed premises. This involves the youth discos that have become a huge part of the under-18s scene in this country, with up to 5,000 at some events. We are concerned that there are no child protection objectives around that. Large numbers of young people are consuming significant amounts of alcohol before these events. If they are not allowed onto a licensed premises because they are intoxicated, we are exposing them to risks. They are standing around on the street waiting until buses come to pick them up at 2.30 a.m..

Sexual assault treatment units in a number of areas have told us they have had to put more staff on duty on the night of teenage discos and have had a number of multi-perpetrator attacks, where young people have been exposed having not been allowed onto a licensed premises because they are intoxicated. The licensed premises have said that is not their responsibility because they have not let them in. Bus drivers have said they only left people at the premises. Parents have said that children were sober when they got on buses to travel to Letterkenny, Ennis, Limerick or Cork. That needs to be addressed.

There should be age verification at the point-of-sale and delivery for drink delivery services. We would also like to see the extension of the test purchaser of alcohol programme to the home environment. At the moment, gardaí cannot use the programme in home delivery situations in order to find out what age somebody is.

The drink delivery piece is separate to this question. However, it is also a question for Mandate in terms of the health, well-being and increased risk to people providing drink delivery services. They are not on a licensed premises and do not have a bar manager or staff present with them. If they refuse to deliver alcohol because it has already been paid for but somebody does not present ID to say that he or she is over 18 years of age, they are putting themselves at risk if they refuse to hand the alcohol over in a home situation. We are very worried about several pieces in that regard. The impact this legislation will have on children is very significant.

Deputy Pringle is correct to state that over 60% of all of the alcohol consumed in this country is now for home consumption, where there are no closing hours and young people and children are exposed to increased drinking. We could talk about many more related matters, but we will keep to the time.

Mr. Gerry Light

The Deputy is quite right. A lot of the stuff we have discussed today would not be proper to the legislation. We see these occasions as an opportunity to open doors and invite people in to have a discussion in respect of other matters that may not be directly linked to what we are discussing, but are indirectly linked.

When we consider the broader consideration of our concerns, workers' rights could span the course of many debates that are currently taking place. I put a specific emphasis on collective bargaining because the power of workers acting within a union bring that power into effect when they work collectively. It is important that we open that as a gateway to other discussions that need to take place.

The other legislation we are keen on, and for which we have called for members employed right across the retail sector, is legislation that makes it an offence to abuse or treat bar workers badly. Such legislation was passed in Scotland during Covid, when the Scottish Parliament introduced legislation to deal with the abuse of workers in a particular sector. Similar legislation has been passed in New South Wales, Australia,

where people can be committed for up to seven years if found guilty of assaulting, physically or otherwise, retail workers. They are important debates in terms of opening up discussion. Some of the matters we have raised today are specific to the Bill under consideration.

Deputy Thomas Pringle

On the assaults, is there not already provision in law for somebody to be charged with assault regardless of whether it involves a retail worker or somebody walking down the street?

Mr. Gerry Light

There is, absolutely.

Deputy Thomas Pringle

Surely it would be better to have a law to prevent it.

Mr. Gerry Light

That would be a good starting position. During and coming out of Covid we quite regularly made statements publicly around our respect for the retail workers' campaign. Bar work is no different. In fact, based on what we said today everybody has experience of a bar environment. It can potentially be much more dangerous, even in terms of transport issues. Public transport is one thing. We also need to consider that we are perhaps asking bar workers to get onto the same public transport as customers with whom they might have had a difficulty earlier when they were in a pub drinking all night. They are the specific additional matters that we have to take into consideration when dealing with the sector.

Chairman

I think the witnesses. On the comment on retail and bar workers, during Covid for the first time people were put in a potential conflict. People were asked whether they were wearing masks and so forth. We all understood that was necessary at the time. A particular dynamic was introduced to the equation. I was aware of many unpleasant incidents that arose during that period. The point is well made.

Deputy Aodhán Ó Ríordáin

I thank the witnesses for their presentations and submissions. I will make some general comments and anybody who wants to react to what I have to say can do so.

Last week, industry representatives came before us. In terms of the Bill, we were very taken by what the Give Us the Night campaign had to say about Dublin city centre

being under great pressure and cultural spaces being under assault by degrees. Many members are minded to be sympathetic to that view. Extended licensing hours in that cultural environment is something that should be welcomed.

However, having listened to the industry representatives I must point out that it is an industry which, in general, has been typified by lower paid and insecure work. It has never really been welcoming to any strengthening of workers' rights in that regard. I made that point to the industry representatives last week.

Some spoke about a pub as being the centre of a community and that they wanted to seek UNESCO status for the Irish pub. One begins to wonder how on earth we have reached a situation where the centre of the community is a pub and that UNESCO status is what we should be seeking for the Irish pub. Is that an absolute and utter failure of Irish society in general?

I am aware of the 100 people who die of fatal overdoses of alcohol every year. We are all aware of the €3 billion plus it costs every year and the influence that alcohol has on violence against women and in general. Any witness can answer my question which relates to the Bill and also wider society. I was a teacher in a primary school for 11 years and became very aware of how bombarded people are by messaging all of the time. People can come from families that are very restrictive in terms of access to alcohol, says all the right things and brings up their children all the right ways, but children are not just influenced by their families but also wider society, their peers and what is expected of them. For whatever reason, our public health messaging, be it in schools or elsewhere, is not strong enough or is not getting through.

Young people ask me how they can believe messaging when the generation before them drinks all of the time, drinks a lot, celebrates drinking a lot or finds it very funny when people drink too much. The generation before them drank too much, and celebrated it and thought it was funny. Are we losing the cultural war when we have come to a scenario whereby somebody, can, in all honesty, come to a committee like this and say with a straight face that we need UNESCO status for the Irish pub? Are we completely failing, given all that we know about the damage alcohol does to Irish society? That is a wider educational piece and societal message around alcohol and its availability.

I would like Mr. Light to expand on the workers' rights piece.

If this legislation is enacted, it will lead to people working in an environment that is potentially less safe because people will have consumed more alcohol at a later time of the night. Those workers have to access a way home safely and they have to be around people who will be more emboldened and violent - and the other risks that are attached to that.

My contribution is the wider education piece, the wider societal messaging and how we can balance that with a need for us to treat people like adults and be responsible.

However, it feels like a war that we are losing. My direct question to Mandate is about how we can strengthen the workers' rights within the Bill to ensure that anybody who takes on these licences for later opening hours has curtailments within that as to how their workers can be treated and protected.

Chairman

The workers' rights question will probably go to Mandate. I want to broaden out the rest of the responses.

Dr. Helen McAvoy

I thank the Deputy for those questions. The issue around the embedding of alcohol use within cultural identity and cultural, sporting and leisure activity is a concern. We would see that this Bill perpetuates that because it does not just relate to pubs and clubs; it relates to holiday camps, taking the train, going to the airport and all of these things in public spaces where one may not choose to go and consume alcohol. I think that the Deputy is absolutely right.

On the role of education and awareness, educating people and promoting messages on responsible drinking is certainly not the best way to effectively reduce alcohol use. The evidence tells us that is very limited. The World Health Organization has provided guidance on the best buys and what actually works in reducing alcohol use in the long term. Those issues are around reducing the availability, accessibility and appeal of alcohol through advertising. We know what needs to be done. Many of those measures are included in the Public Health (Alcohol) Act, which, as the Deputy will be aware, took an extraordinarily long time to progress through its legislative journey. We need to look at the Public Health (Alcohol) Act first, see the messages in that, see the approach being taken in that and build any other alcohol policy decisions around what that Act is trying to achieve. It is based on evidence, what the WHO said and international experience in many different countries. We should start with that and not worry too much about education and awareness. Without changing the dial on culture change, the Deputy is quite right that we are losing the battle.

Professor Frank Murray

I am a liver specialist in Dublin. I have been working for 25 years in the hospitals, so I have seen the catastrophic effects of alcohol and that is why I am here today. The Deputy made a good point about how ineffective public health messaging is. That is what the international evidence shows, exactly as Dr. McAvoy said.

The Public Health (Alcohol) Bill was introduced several years ago with a view to reducing alcohol harms. That was evidence-based. The measures within that were based on international evidence, particularly from the WHO, as Dr. McAvoy referred to. The problem with this particular legislation is that it goes against that evidence from a public health point of view. This is not addressing alcohol sales as a health issue and as a

societal issue involved in crime, justice and harms to other people, such as children. The data and evidence are very clear. The consumption of alcohol and its harms are directly related to the number of outlets. We also know that the harms from alcohol associated with consumption are directly related to the opening hours. We also know that if you prolong the hours of alcohol sale, as is proposed in this legislation, the amount of harm increases. If you reduce the number of hours that alcohol is on sale, you reduce the amount of harm associated with alcohol. To answer the Deputy's question, the evidence is that reducing availability, in terms of hours and outlets, is a constructive way to reduce alcohol-related harms. The messaging, as he said, is not particularly effective.

It is worth saying that the alcohol industry will come here and tell us that we should have Irish pubs as international protected structures because their business is to sell more alcohol. They have a conflict of interest with the people lined up here, who are interested in reducing alcohol harms. That should be borne in mind.

The other tragedy of it is that there is no voice here today of those harmed by alcohol. For those of us who work in the various services associated with helping those who are harmed by alcohol, their voice is not here today. Generally, the stigma is so terrible that people are shy and embarrassed about coming forward – or their families coming forward – in relation to describing the problems that they have associated with alcohol.

To get back to the point on public health messaging, in Ireland, half of children have been drunk or very drunk by the time they are 16 or 17. Public health messaging is not going to affect that. It is all about restricting sales and that is what has been shown internationally to be effective.

I wish to make two comments before I finish, in case I do not get a chance. Who pays for alcohol harm? The costs of alcohol harm was mentioned as €3.7 billion a year, which is an underestimate, but I take that. Who is responsible for that? Who pays it? The ordinary taxpayer. The alcohol comes here and makes very substantial profits. I believe there should be a levy on the alcohol industry to recoup the costs of alcohol-associated harms. Second, who is responsible for the harms associated with alcohol? Who does one go to in the State to address these harms and the fact that we did not, for instance, reach the target set by Government to reduce alcohol consumption? Nobody. There is no authority responsible for that. In contrast, there has been fuss this month about the increased number of deaths on the road. Who do you go to? The Road Safety Authority, RSA. We need a statutory authority within Government that is responsible for reducing alcohol harms and would do far more than just the public health messaging that the Deputy described as being such a poor failure.

I thank the committee for letting me speak.

Chairman

I think it is either New Zealand or Australia that has a state-sponsored Hello Sunday Morning programme, for example, which encourages people and assists them in their

sobriety journey. There are some initiatives here, but I am not sure that they have status of an authority. The RSA would be a good comparison. That is quite a useful suggestion.

Senator Fintan Warfield

What I see as important regarding having venues open later from a health perspective is that pubs and nightclubs are regulated environments. In my experience, people are not going home at 12.30 a.m. or 2.30 a.m. They are going to illegal, unregulated parties all across the city and to house parties as well. It is anecdotal, in fairness, but I feel that people are drinking more in house parties and it might be said that people have better opportunities to take drugs in private parties as well. We have lost 85% of nightclubs in the past 20 years. We have an opportunity to have harm reduction teams in these environments. The HSE is working at festivals around drug campaigns, and around Europe one will see harm reduction teams at indoor and outdoor festivals as well. The first point I will make is that it is not the case that people are going home to bed just because we have early closing times on licensed premises.

I mentioned that 85% of nightclubs have closed in the past 20 years. Without extended hours, we will lose those spaces for good. Professor Murray talked about industry versus public health. There is another stakeholder. Five years ago I attended a Give Us The Night event in the Sugar Club in Dublin that hundreds of young people attended.

The representatives from the event were here last week. Hundreds of people are calling for change on this issue. They are not part of the industry. They are artists and cultural practitioners. We will lose these spaces for good if we do not fix the problem of losing nightclubs. There are positives regarding public health in the Bill. Not making any changes to the off-licences is positive. I wonder what other positives the witnesses see in the Bill. I think there will be fewer wine retailers' licences. Is that a positive? Will the HSE have an increased role after this Bill is passed? I have heard that it will. I would welcome any comments on that.

Dr. Sheila Gilheany

I understand when people say that they have been to other parts of Europe and the people there have a particular lifestyle. However, when we make comparisons, we have to remember that Europe as a region has the highest alcohol consumption in the world. We are looking at societies that have big problems themselves. To give an example, people often talk about Berlin nightclubs but Germany has costs from alcohol in the order of €40 billion per year. With France we often talk about quaffing nice French wine but 30% of the population have a problem with alcohol. We need to step back and consider where we could look that has a better way of dealing with alcohol.

I am all in favour of harm reduction teams but that is addressing and trying to ameliorate a problem that is already there. Let us take a step back and go upstream from that and ask what is actually causing the harm. In this case, the harm is being caused by high levels of alcohol use. Treating somebody for their high levels of alcohol

use is very important but to address the issue we need to turn off the tap at an earlier stage, or at least reduce the pressure within the system.

Dr. Ciara Reynolds

Senator Ruane voiced similar concerns about the body of evidence regarding the extension of opening hours and the impact that has on alcohol-related harms. We did a rapid review of systematic reviews and we found four which looked at changes in alcohol licensing hours. Systematic reviews are the highest level of evidence. They look at risk of bias and quality of evidence. The most recent systematic review was published in 2020 and it included 22 individual studies. The studies were from all over the world, Canada, Australia, Germany, which was mentioned earlier, the UK and the US. Within these studies it was found that extending opening hours by even one hour increased injuries, assaults, drink driving, car crashes and traffic injuries. Two of the systematic reviews also looked at what the result of restricting alcohol licensing hours would have. Restricting by just one hour could also reduce assaults and violence, emergency department injury presentations and hospitalisations for injury and intoxication.

The systematic reviews also looked at unintended consequences. None of the systematic reviews showed any unintended consequences of people proceeding to unlicensed premises to drink more. The increase in alcohol-related harms was found to directly correlate with the extension of licensing hours.

Senator Fintan Warfield

I want to make the point that we are talking about a very small number of venues that will open and serve alcohol until 5 a.m. I would say that only a handful of venues in this city will avail of this. I have spoken to some promoters who cannot see how it would even be financially viable to open until that hour at the current time. For nightclubs, this is their best opportunity to put cultural activity at the heart of the night time industry.

I welcome some of the recommendations from the Mandate trade union. I have read previous submissions to the night time economy task force and they were very worthwhile. They included premium pay for workers and eventually moving towards the renewal of licences being conditional on workers' rights and compliance with employment law.

Chairman

We are talking about extending licensing hours and extending them across a variety of activities. However, we appear to be coupling these two things and I am not sure if this is in the legislation or the model or whether it is practice. We seem to be saying that to have a late hours theatre or late hours cinema or dance hall it must be inextricably linked to the provision of alcohol. I would question that. Surely we can go to the cinema, late or early, without necessarily having to have alcohol. Can we dance without it? I would like to think so. Is that in the legislation? As it stands at the moment is it that the

legislation has sent us down that particular route or is it more of a cultural practice that we have a concept as a society that we must have alcohol in order to enjoy these activities? I wonder is there anything to stop a venue opening late, for a theatre performance, for example, by not serving alcohol. That might provide some context to the discussions.

Senator Barry Ward

I will say at the outset that I am not a standard bearer for the alcohol industry. Like Professor Murray, I have some professional experience as a barrister seeing the effects of alcohol on people's behaviour. It can lead to violence, domestic violence, public disorder and then other crimes that are a knock-on from that. I appreciate what all the witnesses have said about the massive danger that alcohol poses to us socially and the damage it causes. I am particularly struck by the statistics from the Institute of Public Health on the direct correlation between the availability of alcohol and the effects that it has. Is that an absolute? Other members have spoken about the example of Europe and I lived in France for a number of years where there is not the same level of public drunkenness in Paris or in Rome. In fact, the levels of alcoholism between France and Italy, despite the fact that they have similar levels of consumption, differ widely. I think it may be due to the better family supports that exist in Italian culture over those in French culture. As one looks at each example, including Ireland, there are different pressures at different points in system. I wonder if we can say with absolute certainty that access to alcohol is in direct correlation to the abuse of alcohol. Have we not in this country consistently, over generations, treated people like children when it comes to alcohol? We have told them that they must stop drinking at a certain time, they must go home at a certain time, they must do this and they must do that. Has that contributed to the culture of alcohol here that has been referred to? Therefore, would we not be better off to treat people like grown-ups and let them behave responsibly? The public health submission was very much about creating greater responsibility for those who vend alcohol to people who are very drunk, for example. Should there be consequences in that case? I have no difficulty with that. When I was growing up, everybody had to leave the pub at half eleven. That is the kind of pressure Ms Graham referred to. On Nitelinks and late night buses everybody leaves at the same time. That, in itself, creates a pressure.

That in itself creates a pressure so I wonder about that submission. If we were to stagger those hours or allow venues, for example, to open all night if they wanted to, would that not dissipate the pressure over the course of an evening and put the responsibility on individual punters to make the decision as to when they go home? I agree with the suggestion here that if we did that and said everybody can open for as long as they want, they would not be all open until 5 o'clock in the morning. That has been the experience in rural Ireland where perhaps the regulation of closing time might not be as rigid as it is in the city. If there are two or three villages with a pub where they can get away with it, they will not all stay open late. One will do it and the other two will not. If we have a less rigid regime, is it not the case that this will allow a kind of tapering effect of people over time? I agree absolutely we should be able to go out and enjoy ourselves

without alcohol. In fact, not very far from here is a café near Stephen's Green which is open 24 hours but does not serve alcohol and it is busy late into the night particularly with Muslims who do not drink. It is a very positive environment up there and that could be replicated in many places.

I wonder about the manner in which we have treated people in relation to alcohol and I do not have any difficulty with the suggestion that there should be a levy on the industry. The notion of an overarching State body with responsibility for alcohol safety, or whatever way we want to term it, is a very good idea. A raw statistic that says more pubs or longer hours equals greater abuse of alcohol is not necessarily at the heart of this. Although that may be true, I wonder if the nuance is actually different and what we actually need to address is a fundamental cultural issue that can be addressed in different ways other than shutting down an economy. I apologise, I did not intend to speak this long. The logical conclusion of what the witnesses are saying could cause greater risks. It would presumably be desirable for many of them to take alcohol out of the system altogether. I know that is not possible - we all know that is not possible - but if we were to close pubs at 10 o'clock for example, does that not create other knock-on problems while fulfilling the equation that less alcohol creates less abuse? My concern is that since lockdown in this country we have increasingly seen a shutdown of all economic activity after a certain hour of the evening and no facilities available to anyone after 9 o'clock at night in restaurants or whatever that might be and that is really sad. I would be delighted for the witnesses to tell me why I am wrong because I suspect there is something I do not see but that is why I want to hear their views on this.

Professor Frank Murray

I thank the Senator for his comments. He is absolutely on the money when he refers to the many harms he has seen done through the legal system as we see when we are at work in the hospitals. I commend him on his openness in speaking about it today.

The reason there are restrictions around alcohol is because it is a mind-altering and addictive substance. It is no ordinary commodity. We treat it, and should treat it differently than everything else we sell in retail, in the supermarket for instance. There is a reason for that and that is highly evolved behaviour right around the world. The emphasis on individual responsibility is very much an alcohol industry paradigm because it wants to sell more alcohol and the fewer restrictions there are, unfortunately, the more alcohol is consumed. Restrictions are a constructive thing. It is very difficult to nuance what the Senator is describing there and I say that respectfully. The point that was being made earlier is that we are not talking about not having the night-time economy or culture. We are talking about not having alcohol absolutely at the centre of that. I will make a final comment that links what was said by Senators Ward and Warfield. We have the fourth highest number of pubs, clubs, and bars in the world in Ireland, per capita. The fourth highest so we have plenty of pubs, clubs and bars. With respect, I do not think we need anymore. We may need to look at them differently. If we were to say we would use them more as cultural venues that would be a great thing but as somebody who deals with the downstream consequences of alcohol, I argue we

need more restriction and regulation; I am not saying we need prohibition but we need to drive down the amount of alcohol consumed which is harming individuals in society and their families. They are victims of the alcohol industry in my view.

Chairman

I will call Ms. Leonard and then will go to Dr. Reynolds. Even though we are on the seven minute mark, I want to allow members to respond.

Senator Barry Ward

I apologise. That is my fault.

Chairman

It is good to keep the discussion going.

Ms Paula Leonard

Really briefly, a number of people have grown up around the pub being Ireland's cultural offering and it is really important we look at expanding our nighttime offerings and spaces to families, namely, stuff that is not dependent on alcohol, such as theatre. These are also really important spaces currently for people in recovery. We are reducing the number of spaces in Ireland that are alcohol-free and there is a risk associated with that. On the UNESCO status for the Irish pub that came up earlier, and Senator Ward mentioned the two pubs in a village, we need to think really seriously about the extinguishment requirement because what this is going to do is liberalise the number of alcohol outlets one can have in a small village. There will not be this UNESCO standard Irish pub, the large alcohol chains will move into towns and villages across Ireland and the smaller pubs will be out of that trade because they may, due to staffing shortages etc, choose to close instead of remaining open all the permitted hours. It might be a move from having two of these UNESCO-standard Irish pubs in a village to having none and having a Wetherspoons down on the corner that will stay open. We really need to think about what the objectives of this Bill were, which were to consolidate and make sense of a rambling expansive complex area of law and to give us something that people could understand so that people in communities would find it easier to object, as they knew what the grounds were, and that an Garda could use it in an easier way. In terms of the licensed trade, it is really important that there be mandatory training for people. There has never been a successful legal case - and the Senator will know this from acting in the legal system - taken for sales to intoxicate a person in this country. We have something that exists in the legislation but has never been successfully tried in a litigation environment. We think it is really important that training and protections are provided for people who are working in the trade, particularly if the hours are going to be expanded.

Chairman

I will let Dr. Reynolds in on this briefly as well.

Dr. Ciara Reynolds

I will be as brief as possible. I thank the Senator for his questions. I will go through two of the items he mentioned. On the uptake of licensing, it is more likely to be the cities which will take up the extended licensing hours. We know there is already disproportionate harm related to alcohol in cities, particularly in terms of road traffic accident victims who have levels of intoxication found in the blood. Second, in terms of the dispersion of the crowd, we have seen cases where other countries hoped this would be the case when they extended licensing hours, however what was actually found was just a shift in the alcohol-related harms until later in the night which actually ended up putting more pressure on policing, emergency services, ambulance call-outs, emergency department visits, and hospitalisations in relation to alcohol related injury and trauma.

Chairman

I am going to go to the next speaker and just to give an indication to the room, Senator Vincent P. Martin is next, followed by Senator Robbie Gallagher and Deputy Martin Kenny.

Senator Vincent P. Martin

Would it be an accurate summary to categorise the contributions into two subsets, the first being surmountable challenges whereby in a modern economy it should be possible to rise to the challenge of providing transport in a staggered way? That is surely achievable. Although there is the pervading societal challenge, in a democratic society we should be able to protect our staff. Where there is a will, there is a way. The second category is a much more challenging one and it would appear to be insurmountable in that both sides are incompatible and never the twain shall meet. We had an array of expert speakers, some of them household names who have been so steadfast, expert and so highly respected such as Professor Murray and others who have fought the good fight in their advocacy. Whatever about not being heeded, do the witnesses feel their voices are always heard? I would like to know that. There would appear to be a degree of conflicting rights. Is it true that relaxation of regulation is always going to be harmful from the witnesses' prism and from where they see things? Is it black and white? Is it the case that the regulation can never be relaxed and it is a price we have to pay as a society that the majority of us cannot be allowed to have a quiet, pleasant drink in a theatre late at night because of the horrific damage it visits on some other members of our society; tourists and others who go out for the casual drink?

Should they be told they should never do so and should it not be allowed in our society because of the damage it inflicts? Is that the point? Is the point that we will never be in

alignment with continental Europe, that there will never be a seismic shift in our culture and that we cannot co-exist and relax regulation in Ireland in Dr. Gilheany's lifetime? If she were to be candid about it, is what she would like to see stricter regulation? Is that where she is coming from? I have sympathy for some of her arguments. On an issue that has been broached by other speakers, have there been any sociological or social psychological studies saying that certain relaxation in certain circumstances can normalise or demystify matters so that one does not have to stock up with five pints at 11 p.m. or whenever, as I often see people doing? Does that not cause a kind of abuse? Can Dr. Gilheany ever envisage a maturing of society such that this would work?

Like many, as a student, I went to Germany to get my college fees. On day one, I was amazed to see that beers were readily available in Germany during the 11 a.m. tea break. If I went to Germany tomorrow, would I see that this has been stopped? It probably has been in light of legal work practices. As Irish student workers, we found that very novel.

I am really interested to know whether there is any room for compromise or adaptation and whether there are any circumstances in which Dr. Gilheany can envisage a relaxation in light of her genuinely and sincerely held convictions? What are those circumstances? If there are any grounds for manoeuvre she would stand over, will she share them with us? Is the reality that she would actually prefer more restriction? If that is the case in respect of late-night opening, has the horse not bolted, as Senator Warfield has said? Is it not mere tinkering with the system when we know so much drink can already be consumed at home or in less regulated environments, which would be even more dangerous? I would like Dr. Gilheany's views on that. She has two minutes left. I thank the Chairperson for his indulgence.

Chairman

I thank the Chairperson. His last question raised a very fair point. Senator Warfield made the same point earlier. We will take Dr. Gilheany first. If anyone else has something to say, I ask them to please catch my eye or raise their hand as we go on.

Dr. Sheila Gilheany

Problems around alcohol are not insurmountable. That is one of the things that gives me great hope because we can look at other societies and see where there have been changes. For example, Lithuania has achieved really remarkable changes in quite a short timeframe by introducing the World Health Organization's key recommendations around the control of marketing, availability and pricing. It is not an insurmountable problem.

Senator Vincent P. Martin

That is my point. Restrictions and further regulation are pivotal and integral parts of that but can it be done without that?

Dr. Sheila Gilheany

No. The Institute of Public Health, IPH, has carried out an evidence review looking at multiple countries and both that institute and Alcohol Action Ireland have put forward evidence demonstrating that, no matter the jurisdiction, there are problems when the availability of alcohol is increased. That is just a fact. That is just where it is.

Senator Vincent P. Martin

Could a very effective education strategy not try to-----

Dr. Sheila Gilheany

No. Can we just nail this on the head? The World Health Organization says that education is not the answer. The reason it is not the answer is because the primary educator on this subject is the marketing we are exposed to. In Ireland, we see something like €115 million worth of alcohol advertising every year. That includes only actual advertising and not all of the sponsorship deals for rugby and so on. There is no way that an education budget will ever be remotely capable of countering that. To reiterate Professor Murray's points, I will also say that, when talking about trying to change the landscape, we have to go back to earlier legislation and the Public Health (Alcohol) Act 2018, which included some modest restrictions on alcohol advertising including, for example, the broadcast watershed for alcohol advertising. We should not see advertisements for alcohol on television before 9 p.m. but that has never been implemented. On the one hand, there is the legislation that sought to introduce some restrictions but which has not been implemented and this current legislation, which was ostensibly about the streamlining of regulation but into which was slipped an extension of hours not just for nightclubs, but for ordinary pubs and restaurants. There is an utter mismatch and complete imbalance in the legislation that is play with regard to alcohol.

Senator Vincent P. Martin

I thank Dr. Gilheany very much for her response. Theoretically, if we got rid of all advertising, would she allow for a certain relaxation of regulation allowing for greater availability?

Dr. Sheila Gilheany

Some countries have completely banned the advertising of alcohol. Norway is one. What we find is that the industry finds all sorts of ways around the provisions that are in place. The three things are very related to each other. Pricing is part of marketing. Marketing relates to availability and the images you see on the street outside of advertising. There is no one single silver bullet for these things. They all work together and need to be implemented together as a package. This is one of the problems we have. The Public Health (Alcohol) Act has not been fully implemented. Frankly, it is

ludicrous to talk about a wholesale expansion of the availability of alcohol when that Act has not even been given time to be fully implemented.

Professor Frank Murray

I will address one of the questions the Senator asked, which was a very good question. He asked whether we feel our voice has been heard. I do feel that the voice of people trying to reduce alcohol harms in Ireland has been heard. The evidence for that is the Public Health (Alcohol) Act, which was a great step forward. Ireland has a reputation in that respect internationally. We have a reputation for taking steps to deal with the crisis and catastrophe of alcohol harms here in Ireland. However, I will tell the Senator what is not heard, which is the voice of the victims. It is almost absent. We hear very little from those people who have been harmed by alcohol or who have a family member who has been harmed by alcohol because there is such a stigma around that.

Senator Vincent P. Martin

Professor Murray himself has been a brilliant advocate in shining a light on that. As a lawyer, I concur with Senator Ward on the havoc that has been wreaked on families and the violence that has been visited on people.

Professor Frank Murray

That is why we are here today. We are trying to make our voice heard among members of the committee because they are representatives of the people of Ireland, including those who have suffered. It is really important that the members hear our voices and that we do our best for the people we are serving. I am an accidental tourist in this area. I am a liver doctor. I was never involved in public affairs. I drifted into this because I repeatedly saw people die from liver failure as a consequence of alcohol. It is a terrible death. It is a very demanding death on the patient and family. When I came back to Ireland having trained abroad, I was shocked by the increase that had taken place and that there were so many young women and men dying as a result of alcohol. I encourage the committee to factor those things in. Deputy Ó Ríordáin said that the committee has heard all of the data and evidence but, when you actually see patients dying, it really is very moving and very inspiring.

Chairman

The Public Health (Alcohol) Act and the new legislation appear to be diverging and moving in different directions. There is a consistency issue there. Senator Gallagher is joining us online. He has been following proceedings from his office. I welcome him to the floor.

Senator Robbie Gallagher

I thank all of the witnesses for being here this afternoon and sharing their thoughts on this very important topic. Like others, I worked in this space a number of years ago and saw at first hand the effects of the overconsumption of alcohol and the wreckage and carnage associated with it.

I would contend that there is not a family in the country that has not been affected in some shape or form by the overconsumption of alcohol. That said, I am heartened by the professor's comments when he says that he feels we have been on a journey in relation to the overconsumption of alcohol for quite some time but the message is beginning to filter through. I am heartened by that but as he said, and I would concur, we have a long way to go in terms of developing a mature relationship with alcohol. I am speaking here as someone who enjoys a beer occasionally but unfortunately we have a way to go with regard to our relationship with alcohol.

This legislation, which deals with extending the night-time economy, would appear to be positive in some aspects but unfortunately, the centre or nucleus of that seems to be surrounded by alcohol and that is where our problems arise. Having listened to the various opening statements this afternoon, it appears that some parts of this legislation are putting the cart before the horse. We have a difficult situation at the minute from a staffing perspective. The gentleman from Mandate outlined the situation earlier with regard to staff working in the night-time economy, in our bars and nightclubs. The story that I am hearing from that sector and many other sectors is that there is a difficulty in getting staff. The Chairman mentioned that Covid-19 changed an awful lot in that regard but what has happened as a result of Covid? Why is it more difficult to get staff to work in these sectors now? I am not just talking about the bar and nightclub sectors but more generally. What is going on? Why are those vacancies so difficult to fill now, post-Covid? I would welcome an assessment of that particular issue from the Mandate representative.

There was talk earlier about some places in Europe, including Amsterdam for example, which have seen adverse results from travelling down the road we are contemplating now. Have we any data on what they are doing in those locations to address the issues that have arisen? Have we any learnings in that regard? I come from rural Ireland myself and from a practical point of view, I see pubs closing down almost on a monthly basis and the lack of transport is a key issue for local publicans in places like Monaghan, where I live. Publicans are telling us that the pubs are dying for a wide variety of reasons. People are not going to the pub anymore and one of the issues is the lack of public transport for people in rural Ireland. If we have difficulties addressing that particular issue in our larger towns and cities, I do not know where we are going in relation to rural Ireland. I am wondering what is the plan, or if there is any, in that regard.

To go back to the point I made earlier, one thing I have learned from the second sitting we had on this topic is that the more we delve into it, the more we highlight different potential problems associated with it, and that is before we even get beyond the starting block. It would appear that there is a lot of work to be done. We are out of kilter with regard to the night time economy, particularly in our larger towns and cities, for

those who want to boogie on down until the early hours, and good luck to them. They are not able to do that in this country and that is certainly something that needs to be looked at. Perhaps there is a real appetite for that, and I would bow to Senator Warfield and others who are closer to this issue than I am. In rural areas, however, that appetite does not exist, from my experience.

I have found this engagement very useful. Having dipped our toe into this area, we have highlighted, perhaps accidentally, all of the issues that are out there surrounding this. I am wondering, as Senator Martin outlined earlier, whether there is any potential to move forward with this or whether we have so many other things to fix before we get that far. I would welcome any comments from our guests on my remarks.

Chairman

Thank you Senator. Who would like to respond?

Mr. Gerry Light

I will come in to address Senator Gallagher's comments on staff shortages. What we have seen over the course of Covid-19 is a global phenomenon and one that is not just restricted to the private sector. Staff shortages also exist right across the public sector as well. What is referred to as the great era of resignation and realignment is ongoing and a lot of staff have reassessed their position. A lot of the staff that we work with in certain sectors, particularly retail, were told how important they were during Covid. They were told they were very important front-line workers, putting themselves in the path of Covid, not knowing what the consequences would be from day to day. Along with that recognition, people expected some kind of tangible reward at the end of the day but in a lot of those sectors, that has not followed. We have gone back to what is perceived to be some kind of "normal" and the same staff who were much lauded during the height of the pandemic are being treated the same as they were previously, in terms of a tangible recognition for their input. That is a global phenomenon.

Of course, it is also true to say that the greatest shortage of staff exists in sectors where the worst terms and conditions apply. That is why it is vitally important to take an holistic view of this legislation and address the important issue of workers' welfare. Clearly, as it is presented and in the eyes of many workers in the licensed-trade sector - and we have consulted some of our members in that sector - things are going to go from bad to worse. Their voices must be heard, their views taken on board and something constructive must be done about it. For us, that is the key to what is happening out there. The way to get workers to re-engage with any sector is to ensure that they are properly recognised and rewarded for their efforts.

Chairman

Thank you. Deputy Martin Kenny is next.

Deputy Martin Kenny

I thank our guests for their contributions. I thought initially that this legislation would deal with difficulties with the licensing laws, of which there are many. There are difficulties with regard to the number of times that a publican has to go to court to get an extension, for example and I thought that was what this legislation would address. As has been alluded to, there are also issues around night clubs and how that sector is changing. However, we are now seeing the cracking open of other things that are somewhat unexpected.

I have four children, the youngest of whom is 18 and the oldest is 23. They are out and about all of the time and it is a different world to the one that I was out and about in. There are practically no nightclubs anymore. They just go to the pub and there is a culture of drinking a lot. It is about shots and throwing them down as quickly as one can. They do not go too wild, or at least I do not see them going too wild or they do not tell me about it, but the truth is that it is a huge problem. They tell me about some of their friends, acquaintances or people they know who, whenever they go out at night, never remember getting home. I am talking here about girls aged 20 or 21 years old. That is a huge problem in our society and it will be an awful lot worse when we go a few years into the future. There is a problem with people who indulge too much and who have created a culture where they get too drunk too fast. That is a big problem. There is also a problem on the other side with addiction, serious addiction problems and where that leads.

Some of our guests' submissions refer to the requirement for additional addiction services and propose a fund from the industry to pay for those services. Like other Oireachtas Members, councillors and people in public life everywhere, I deal with many people who are facing problems or who are in crisis. Families tell us of daughters, husbands or whoever it might be who have addiction problems and need to get treatment but cannot get into a facility because they do not have the money to pay for it. The HSE cannot find spaces for those people. It is a crisis for families. Even those who can access services attend for a while, drop out and go back on the bottle again. It is a cycle that causes turmoil in families. We must recognise that. We can include measures to address that in this legislation. There are things in the legislation that we did not expect to be in there so perhaps there is an opportunity to consider recommending other measures that are not yet in the legislation.

I am taken by some of the recommendations of our guests. Why do they believe the disclosure of the statistics in respect of annual alcohol sales is important? The inclusion of a social impact provision in the Bill would also be interesting. How and where would it fit? What benefit would it provide?

There is an overall direction in which we need to be moving. We are not killjoys. We do not want everybody to be sitting at home and listening to the ticking clock. We must have a nightlife and a place where people can enjoy themselves. However, the difficulty is the culture that has developed around that. I am taken with the point that education

does not work. That is what we are hearing from our guests. What would work to change that culture?

Restricting hours has been touched upon. Some people might say that when the pubs closed earlier years ago, we all went home earlier and drank less. There were sometimes lock-ins that allowed people to stay later. The next day, they would be cursing themselves for staying out half the night. If the laws were more strictly implemented, would the situation be better? Would that make a difference? It seems from what our guests have said that it would make a difference. I would like to hear their remarks on those issues.

Ms Paula Leonard

We have heard some valuable contributions. One of the things we are concerned about is the speed at which this legislation was brought to Government and is now moving. It is important to delay the adoption of this legislation, first of all to explore how the public health objective can be embedded in the legislation. We need to consider how the child protection objective can be embedded. There are significant potential risks in the legislation as it is currently configured in respect of the health, well-being and protection of children.

The other reason I would suggest real consideration is given to this legislation is that there will be implications for policing, health services, ambulance services and the resources required. In particular, we must consider the police services required. I know that in its submission, the Garda was concerned that if there were to be an extension of hours, adequate resources would need to be provided by the Department of Justice to ensure the safety and well-being of people and to allow for the management of public disorder.

Before he left, Senator Martin asked if this was an insurmountable difficulty. Pubs are closing and nightclubs are closing. We had got to a situation where there was an 85% decrease in nightclubs and a 25% increase in licensed trade through legislation. We removed the groceries order. We changed how we sold alcohol. There has been an increase of over 200% in the off-licence trade. We got into this situation through legislation. It is incumbent upon us to acknowledge that legislation is important in shaping how people access alcohol, how much alcohol they consume and where they consume it. Alcohol is at the moment largely consumed in the home. I understand there were objectives in this legislation about reducing the levels of alcohol-related harm on young people. However, as it is currently configured, this legislation is not going to achieve what it sets out to do. There needs to be more debate. We are not just here on our own behalf. We are here to represent the regional and local drug and alcohol task forces in urban and rural settings. We commissioned a Red C poll to see what the population thinks. Some 59% of people think that the licensing laws are significant and there should be wider consultation. Some 74% of people said what we believe strongly, that is, resources need to be provided for policing, health services, child

protection services and all the negative knock-on impacts that will follow on from the legislation as it is currently configured.

Dr. Helen McAvoy

I will quickly respond to the question about Amsterdam and the situation in other countries. We can only plan our legislation for our own country, in one sense. More than half of people in Ireland who drink are hazardous drinkers. We are increasingly seeing that the health risks from alcohol exist even at low levels of consumption. We only need to plan for our own population, in a sense.

Dr. Reynolds and Dr. Gilhealy talked about studies around closing times in Amsterdam and an increase in alcohol-related injuries. I know that Amsterdam reintroduced an alcohol sales ban in its red light district in 2021. It has also published a new alcohol Act, within which the Dutch are looking to restrict the sale of high-strength alcohol in certain areas and after certain times.

More broadly, there is a question as to whether there is a sweet spot that can be found through compromise or amendments to the Bill to support a vibrant nightlife and healthy night-time economy while also protecting public health. I do not know if there is such a sweet spot. We need a health impact assessment to look at all the health risks and consider can they be mitigated or not. We need to take our time and see what are the health effects and consider if they can be mitigated. The Public Health (Alcohol) Act took a record amount of time to go through and we are still considering if some of those measures will come into force. They are being challenged every centimetre of the way. It is disingenuous to proceed with the Sale of Alcohol Bill when we have not yet enacted the legislation that was put in place to reduce alcohol-related harm. That is the sweet spot to me, in a sense. Can we complete the Public Health (Alcohol) Act first before we start thinking about increases in licences?

There is no public health representation on the night-time economy task force. There is no public health criterion proposed in this legislation. The Bill refers to "drunken persons", which is Victorian and stigmatising language. We need to think about combined drug and alcohol use, and different types of intoxication. "Drunken persons" sounds like something from the 1958 legislation, which I think is where it came from. We need to modernise how we think about consumption and the people who are intoxicated and harmed. Those are my main points. There is no limit to the number of licences or additional hours that can be provided under this Bill. I agree that very few places will take up the option of a 5 a.m. close. However, we are likely to see many late bars. We need to think about what some of this might look like in areas of high density.

There are areas we need to look at. We need to have the time to gather evidence and think about it carefully.

Deputy Pa Daly

Many of my questions have already been addressed. The ICAAN's recommendations seem to suggest it is ad idem with something I have been hearing from many publicans about retaining the extinguishment requirement. In her opening statement, Ms Lawless suggested there is agreement from her colleagues in the Institute of Public Health in Ireland and Alcohol Action Ireland on that point. She recommended the retention of the current closing hours. Perhaps Ms Lawless could expand on that point and her motivation for that approach.

Some of the recommendations have been interesting. That is particularly true of the recommendation from the Institute of Public Health for a health impact assessment prior to the Bill's presentation to the Oireachtas.

I also have a question for the representatives of Mandate. Mr. Light mentioned the 50,000 workers and suggested a premium rate of pay after a certain time. How many, if any, bar workers in the State are getting a premium rate after a certain time at the moment? I am only looking for a rough estimate, if Mr. Light has one.

Mr. Gerry Light

To be completely honest, I do not know.

Deputy Pa Daly

How many of Mandate's members get a premium rate after a certain time?

Mr. Gerry Light

We have done a minor survey in respect of our members ahead of coming in here, just to make sure we had up-to-date stuff. In the biggest division in the Dublin area a high percentage were not receiving a premium payment. We surveyed all workers. We wanted to include non-members as well in those establishments. Somewhere in the region of 25% receive a premium.

Deputy Pa Daly

Does that vary? After how many hours?

Mr. Jim Fuery

It varies. It could be for a responsibility, being a key-holder, closing up later or for after-hours. A very minimal number of our workers would be receiving one for after-hours.

Deputy Pa Daly

We are talking about less than 25%, then.

Mr. Jim Fuery

Less than 25%, I would say, for late hours. Of those, they would be members who would be senior bar staff on older contracts that were collectively bargained many years ago. We would not have any of the current staff on those terms.

Deputy Pa Daly

On the concerns about extinguishment and retention of the current hours, could someone address that?

Dr. Sheila Gilheany

Our reason for concern on that is that if it is not retained, we will get an increase in the density of outlets. We already know that if we increase the density and increase the total number, we will get additional harm. In respect of extinguishment, we suggest that we should not do away with it but that we should also have a system of like for like. If a pub licence is extinguished, it should not be possible to transfer that to an off-licence. There are quite different things happening between those two elements.

To go back to the reason we say we should monitor alcohol sales, it is so that we see the impact of some of the legislation we are talking about here. There would be such a difference between the sales we might see in a small rural pub and those in a large supermarket in a city. That is why it is very important to be able to measure these things alongside a measurement of all the harms that could be resulting. I know we sound like such killjoys in here but this is the sad reality. Alcohol sales do lead to alcohol harms. Let us have a system of actually measuring that and not just have it as conjecture and having to point to other countries. Let us look at the evidence we have here in Ireland and make sure that we gather it on a systematic, annual basis so that we can relate those harms back to locations. That would help inform the Government on what the licensing requirements should be in a particular area.

Ms Paula Leonard

On that, in terms of planning for health services, at the moment we have no idea how much is even drunk per county in Ireland, never mind if we wanted to drill down to the statistics for a large town or whatever. We can only tell how much alcohol is sold at a national level every year. The licensed trade already has that data. It would not be a significant change to the legislation to include that. As Dr. Gilheany has outlined, it would be possible to say if there are problems with particular venues. It would be possible to then make a case at renewals to say there was an issue, the venue had breached X, Y and Z and these are the associated problems. I also think for planning for health services and prevention activity around reducing harms from alcohol and other drugs, we need to know what is happening in communities and at the moment we do not. We have no idea of volume sales of alcohol even at a county level in this country.

Deputy Pa Daly

Going back to ICAAN, while 74% did agree that there should be plans to fund additional services such as gardaí on patrol and ambulance services, I have to say that given the difficulties that I find in Kerry with ambulance services, while any additional assistance would be welcome it is a real long shot. We had constant complaints that there are not enough gardaí on the beat, particularly on a Saturday night in some of the bigger towns in Kerry, especially during the tourist season. Do our witnesses have any views on the opening hours of the off-licences, the earlier opening hours and the running of them in general?

Professor Frank Murray

The point the Deputy is making about the need for policing to be related to alcohol sales is absolutely pertinent. This should be an underlying principle for the drafting of this legislation. When we hear about the pubs struggling to stay open, a contributory factor to that, as was mentioned by Dr. Gilheany earlier, is that we have had a dramatic increase in the number of off-licences. That number has increased almost threefold over the last 20 years or so. It is not going to be a big surprise that people are going to drink more at home in response to those licences to the off-trade increasing so dramatically. If we want to support the pubs, we need to look at reducing the availability of alcohol in the off-trade.

The average consumption of alcohol per person in Ireland is about 10.8 l per capita. What does that look like for an average drinker? An average drinker drinks the following in the following four categories: 223 pints of beer; 35 pints of cider----

Chairman

This is per annum.

Professor Frank Murray

Yes. Plus 11 bottles of gin or vodka and 39 bottles of wine. People get into a massive amount of alcohol. That is the average amount. They do not drink what is in just one of those categories but all four put together. If we want to protect the pubs we should not have so many sites selling so much alcohol for so many hours. There is a lot to be said for having greater controls around off-licences.

Within the members' responsibility as legislators and our as members of various organisations trying to reduce harm, we want to try to reduce deaths. Liver disease is a complete outlier in terms of the mortality rate. Death rates from cancer, stroke, heart disease and respiratory disease have fallen in recent years as a result of many activities including better healthcare, the smoking ban and so on. In contrast, the number of deaths due to liver disease has increased dramatically in Ireland and in UK. The biggest single cause of those deaths is liver failure due to alcohol. We are seeing that alcohol

places a massive burden on the health service and individuals. In contrast to improving healthcare in other organ diseases, liver failure deaths are continuing to increase dramatically. I would argue that the committee should reconsider the legislation and reduce the availability, in terms of hours and numbers of outlets. Legislators would be listening to what the World Health Organization recommends in terms of evidence-based measures to reduce alcohol harms. If we go the other way and liberalise, we will see an increase in harms. We will be going against the WHO and many other august bodies' recommendations on reducing harms. As a doctor working in a hospital, I appeal to committees' good sense and common sense and their representation of victims of the alcohol industry, to consider that in what they are doing.

Chairman

Our final speaker for this engagement is Deputy Danny Healy-Rae. I will have a few questions of my own after that which I have been noting as we have gone along.

Deputy Danny Healy-Rae

I thank the witnesses for coming in. I did not hear all of their opening statements as I was listening in my office but I got the gist of most of them. On the Bill, when something is wrong, it is never right. No matter how we try to talk it up it is not going to be right. I do not know how the Minister or the Government thought they could sell this Bill to the nation.

People are not fools. Saying that places should stay open until 6 a.m. is totally and absolutely ridiculous. We have to think of the youngsters who would go into these places and be there until that time of the morning. We have to think of their health and how it would affect them. When I was a young fella, I went to biddy balls and that is the one occasion I would be out until 5 a.m. or 6 a.m. I was not the better of it for two or three weeks. I do not know what it would do to you, but there is a big difference in being out until that time or out until 2 a.m. I did not drink. For the record, I never drink. I live in and serve in a pub and I have done so all my life.

Pubs are regulated. There is a duty and an onus on a publican, because it is not always easy to get the licence if you do something wrong. The licence may not be renewed. You have to see after your customers. I know right around the circuit in which I work that publicans do so. We see the Government and many Members of the Oireachtas did not help rural publicans going back, when all publicans were asking was that customers would be allowed to have two pints and drive home on very narrow country and hilly roads where they could do no more than second or third gear. That was shot down out of hand. We did not get a hearing. Now the Government is saying opening later will help publicans, until 2.30 a.m. for most people most nights or until 6 a.m.

There is another aspect. I have a statement attributed to the Minister that she would put on transport to bring people into these centres. I have no gripe against the representatives from Dublin but this is basically to help Dublin or other cities. It is not for

rural Ireland. I know what is happening in rural Ireland. People who need their cars in the morning have no other way to go work in the morning in places such as Gneevgullia or Scartaglin. They cannot walk to work or to these venues, given the distances. It is all wrong. No thought is given to it.

I think I heard Deputy Kenny ask about workers. We know that even restaurants are curtailed in the number of servings they can give in their restaurants. That is early in the evening. They cannot get workers to work past a certain time. We are expecting workers to work until 6 a.m. or 7 a.m., until they clean up. How will they go home? When my young fellas went out, myself and Eileen worried about them until they came in the door at night. How could parents of 17-year-olds or 18-year-olds be expected to stay up all night wondering when the call will come to bring them home? I am sure there will not be transport to bring them home. Parents will be relied upon to do so. It is very wrong to do this to our youth coming up. They will go out the night before and not be home until the next day. Youngsters will not see the rest of that day or many days after it, because they will not be thinking right after a night such as that.

With regard to off-licences, more drinking is being done at home in front of children and that is wrong. People were better off in a regulated setting. Do the witnesses have any comments to make?

Chairman

Thank you, Deputy.

Deputy Danny Healy-Rae

I have one other thing to say. The extinguishment rule has to be retained, otherwise it will disenfranchise many rural publicans and they are disenfranchised as it is.

Professor Frank Murray

The point the Deputy makes about binge drinking or heavy episodic drinking is absolutely right. People drinking vast amounts of alcohol in a sitting is rife in Ireland. The country ranks eighth in the world with regard to binge drinking. We have an enormous problem. We did not really follow southern Europe. People there do not drink like that. We drink in a completely different way. A consequence is more people dying from the episode of drinking than in other jurisdictions. One third of deaths associated with alcohol use are due to episodes of drinking. They are not people who are long-term problem drinkers. They are people who go out and have a variable number of drinks. Getting in a car after two drinks may be enough to do it, but many others go out and fall, drown or become depressed and suicidal. That is one in three of those deaths. That is almost 500 per year. It is eight or ten deaths per week.

It is very important we focus on the point the Deputy brought up with regard to trying to reduce the amount of alcohol sold in the off-licence trade. I know that is not part of

the legislation today-----

(Interruptions).

Professor Frank Murray

I beg your pardon. It is in the licensing part, but it is not so much with regard to the availability.

Chairman

We have covered considerable ground, but there are a few items that may be of assistance. My first question is one I put, in a general sense, to the committee earlier. I think the Department of Justice has an adviser role to clarify any points. Much of the debate has been around the desirability of having cultural and socialising activities take place late at night, or at other hours outside of the constraints of the current licensing laws. Is it that we want people to be able to dance or go to the movies or theatre late at night, or is that we want them to be able to do those things with alcohol involved? There is a big difference. Is there any restriction on a cinema, theatre or nightclub opening whatever hours it wishes, if it is not serving alcohol?

Ms Juliet Dwyer

Not of which I am aware. I am afraid I cannot confirm that. There is no obligation on any cultural entity or other venue to serve alcohol but, with regard to the restriction as it stands, I cannot answer that with any certainty.

Chairman

Will you come back to us before we produce a report? That would be very valuable. Perhaps you will be able to take advice on it and come back to us.

Ms Juliet Dwyer

Of course.

Chairman

Is it permissible under the current regulations for a venue to open as a theatre, cultural or music venue and serve alcohol to a point and then stop or not serve alcohol at all? Is it proposed to change that with this Bill? That would be quite instructive, because it would give us a better perspective on whether the ask is from the night sector to perform late, or to perform late while people are drinking. There is a little bit of a difference between those two scenarios. It would be very helpful if the Department would come back to us on that.

Ms Juliet Dwyer

I will.

Senator Fintan Warfield

If one was to ask a promoter if it could open for that long, a promoter would probably ask how it could afford to keep staff on the payroll, behind the bar and in security, and the artists on the stage. How could the promoter afford to do that with regard to the income stream?

Chairman

A commercial assumption is being made there that the sale of alcohol is necessary to fund the social or cultural activity in the venue. Is that right?

Senator Fintan Warfield

I suspect a promoter or a venue operator would ask how it would pay all those people in the absence of an income stream from the bar.

Chairman

Will people drink or partake in cultural activities?

Senator Fintan Warfield

They will do both.

Chairman

Is one inextricably linked with the other? I am just trying to tease this out, because it is fundamental. Are we saying we wish to dance all night, or dance all night with drink in our hands?

I do not know the answer. It is an important question, but I do not know how the legislation or debate frames this. It would be helpful to get to the bottom of this aspect because it does frame the ask as well. If the ask is that we want night-life to continue all night, then fine. Is this night-life all about drinking or more than that? There is a big difference. I call Ms Leonard.

Ms Paula Leonard

On the question of whether venues can stay open all night, this is generally an issue for the local authorities in respect of what stays open. Even regarding what Dr. Gilheany was recommending around being able to map where alcohol is sold and the harm in a

particular area, as is done in many countries, in Ireland we know an increased number of assaults and violent incidents are associated with late-night food outlets, for example. These do not, though, sell alcohol, so the alcohol issue moves from the licensed premises to there. These are, however, issues for local authorities in respect of the local area plan. They provide for what hours fast-food outlets and all those associated premises can stay open within their own areas. It is important that cross-reference would be made to local government.

Chairman

That is a good point. The topic of fast food outlets is one that arises often. Frequently, although not always, the issue concerns people consuming alcohol on other premises and then congregating in numbers. This is probably a function of people all coming out at one time onto the streets. People are merging, excess alcohol can have been taken and this can spill over into brawls and assaults and everything else. Senator Ward gave an example earlier of a cafe nearby, I do not know it myself, that stays open 24 hours and happily caters to people. There may be something that can be done in the legislation in this regard. Perhaps another Part or section can be added to address cafes and eateries that may wish to operate on an alcohol-free basis. Perhaps there could be a particular new type of licence or something like that. This might be an option. It would be useful to explore.

Ms Juliet Dwyer

My colleague has just highlighted to me that there is a provision in the current general scheme, under head 98, concerning mixed trading. It sets out the requirements that must be met when premises with on licences open to serve non-alcoholic products outside of the hours where the sale of alcohol is permitted. I can certainly seek more clarity on this provision and revert to the committee concerning it. A mixed trading provision has already been contemplated in the general scheme.

Chairman

What does mixed trading mean?

Ms Juliet Dwyer

It sets out the requirements that must be met when premises with on licences open to serve non-alcoholic drinks outside of trading hours. They can stay open longer-----

Chairman

A bar could stay open until midnight and then stay open until 3 a.m.-----

Ms Juliet Dwyer

With the alcohol removed.

Chairman

-----but not serving drink after that time.

Ms Juliet Dwyer

Yes, absolutely. I will certainly revert to the committee with this information.

Chairman

If another venue was indifferent to drink or did not particularly need or want to serve it, such as a cafe or theatre that did not have a bar, could such it open late as the legislation stands?

Ms Patricia Butler

Yes, it is down to planning legislation and the local authorities.

Chairman

Okay

Senator Fintan Warfield

A music licence and a dance licence are required as well. It is a very complex system of licences layered up, and hence this legislation.

Chairman

This is important, and this is in the legislation as well. All the debate has been about licences and on licences and the serving of alcohol. I am interested, however, to get to the heart of licensing permutations and the different categories of venue and what licences might be granted for. As Senator Warfield said, there are also dance and music licences. I refer to the details of how these operate. Is it an option that a venue could apply for a dance licence without an on licence, etc.? These permutations would be quite useful. Whether drink is supplied should not be the only arbiter of whether a venue can stay open late. It would be really useful to tease this out and produce perhaps more useful legislation. Ultimately, that is why we are all here. It is to do these exercises.

Turning back to Ms Graham - often these sessions take a different direction as the conversation continues so we do not hear much about certain aspects - and the public transport element this is something this committee has considered recently in terms of safety on public transport, during the day and at night. Several of us met with

representatives of the National Bus and Rail Union, NBRU, and we heard different concerns expressed regarding the safety of workers and commuters. In her opening statement, Ms Graham focused on the roll-out of services. I refer to 24-hour bus services in Dublin and Cork, and perhaps other areas will be examined. This is great and very welcome in respect of service provision. Has the NTA concerns, however, around late-night bus services regarding public safety in the context of a later licensing environment? I ask this question in a context where we are already seeing incidents on public transport being reported regularly. What, if any, measures could be taken to address this issue?

Ms Anne Graham

Just to put public safety on public transport in context, we carry out annual surveys of sentiment of those who use these services. Of the people who travel on public transport, 95% deem their transport to be safe or fairly safe. That is a high level of satisfaction with safety, notwithstanding that there have been significant and distressing incidents on public transport at different times of the day and at night. We were happy to see that in general public transport users feel their systems are safe. Much work is done between ourselves and An Garda Síochána. We work very closely with the force to try to put in place activities that will ensure people feel even safer on public transport and that operators and their staff have the opportunity to access An Garda Síochána when they need to at all times of the day. We are very satisfied that An Garda Síochána has been very responsive in this matter.

It is still distressing, however, to see that some horrific incidents can occur. These do not necessarily occur late at night. We have seen some of the more significant incidents happen in the early evening and not late at night. We must take this point into consideration. We can only see what is happening on our existing 24-hour services, which have been well received and are being used by large numbers of people. We have, in fact, had difficulty meeting the demand for these services. When customers are using our services, this is a good sign that they feel those services are safe or fairly safe. When those services are busy as well, that has a natural way of reducing the feeling of not being safe on a public transport system. We cannot therefore really know whether the extension of licensing hours will have an impact in terms of further antisocial behaviour on public transport. This has not been the evidence up to now, but this would obviously have to be something we would be taking into account when we are seeking to plan for additional 24-hour services. I refer to whether additional security and access to Garda resources may be needed even more for these services.

Chairman

On that point, does the NTA or Ms Graham have any views on the requirement for public transport police?

Ms Anne Graham

We think that is a matter for An Garda Síochána to deploy its resources. If we look at other jurisdictions where transport police are in place, which is generally in the UK and mostly in cities, they tend to operate on train, rail and underground services only and not on the type of bus services we have right across the country. Our belief, therefore, is that by working closely with An Garda Síochána across the country, and ensuring the force is responsive to incidents that happen countrywide, might be the best approach, rather than having a dedicated transport police. Having said that, however, this is a matter for An Garda Síochána.

Chairman

Okay. I thank Ms Graham.

I have two questions, which probably come under the miscellaneous category. I will run through them quickly. Several of the opening submissions touched on a point, including those from the Mandate trade union and some of the alcohol groups. I think the phrase "drunken persons" is in the proposed legislation now and there is some provision for how such people might be handled on licensed premises. Effectively, I think this means someone who has overindulged and refers to how they are managed on and off the premises. I have been around pubs and clubs for a while now, probably too long, but I do not think I have ever seen someone being refused service, or rarely, or a conversation regarding someone being thought to be too full and it being better to call it a night. In several years of being around licensed premises, I do not think I have ever seen that happen. It was also mentioned that there has never been a prosecution for failing to act in this regard. What are people's views in this regard? Is this something that needs to be stepped up a gear? I call Ms Leonard.

Ms Paula Leonard

One of the things we included in our submission was mandatory training for people working in the licensed trade.

That would ameliorate the health and safety issues that were outlined for people who work in the trade and who face the associated risks. A number of families in the State have taken cases against the owners of licensed premises in circumstances in which their loved one, whether a father, mother, brother or whoever, died as a result of excessive alcohol consumption on one of those premises. The licenceholders in those cases were not successfully prosecuted. However, the principle of non-sale to intoxicated persons is one of the founding stones of alcohol licensing legislation across the globe. We recommend that, independent of the alcohol industry, taking account of the fact that adherence to the principle of responsible server and responsible trader of alcohol is applied by the industry in this country, that this principle should be applied on a mandatory basis by an independent body and that such provision should include, for example, how to manage people who are experiencing intoxication on a premises. We agree with the point about the stigmatising nature of the language of "drunken

person", but there definitely is an opportunity to include provision in this regard in the legislation.

Chairman

There is an opportunity to strengthen those obligations. Dr. McAvoy wants to come in at this point.

Dr. Helen McAvoy

My point is partly related to that issue and also to the comments around transport and drink-driving. There is a concern that increased trading hours would lead to people drinking later into the night or earlier into the morning, whichever way one thinks about it. If we are looking at episodic drinking behaviour, which is our existing pattern, going on for longer, there will be people who make a bad decision around driving after they have been drinking and-or taking drugs. There are also people who go to bed for a few hours and think they are okay the next morning when they are, in fact, over the legal limit and their driving will be impaired. It is really important to understand that the issue of drink-driving has not gone away. We are now seeing that a combination of drink- and drug-driving is perhaps becoming even more common than drink-driving on its own, with a resultant additional impairment around decision making.

For the patrons going home, the bar workers and the people driving the buses and trams, this is going to be an issue. We really need to think carefully about risk management around drink- and drug-driving because people do not realise that some of the alcohol and drugs may still be in their system well into the next day. I am not an expert on alcohol and drug metabolising but a person who is taking both is more likely to be impaired to a greater degree and those effects may last longer. That is something to think about. I ask my colleague, Dr. Reynolds, to make a few key points on the context around drug- and drink-driving.

Dr. Ciara Reynolds

I bring members' attention to the Road Safety Authority's report, Road Deaths and Alcohol 2013-2017. Over that period, 600 of the 705 road traffic collision fatalities were captured in the data set out in the report. Of that number, 36.5% of fatalities had a positive toxicity for alcohol. This means one third of drivers killed in Ireland who had their blood tested had alcohol present. Of the 219 road user fatalities with a positive toxicology for alcohol, 86% were male, 76% were under 45 years of age and 69% had a blood alcohol concentration of greater than 150 mg per millilitre, which is three times over the legal limit. In addition, the report showed that 65% of the collisions took place between 9 p.m. and 6 a.m. The most common day for fatal collisions to occur was Sunday, with the most common time of collision on that day being between 12 a.m. and 7 a.m.

Chairman

I thank Dr. Reynolds. My last question also comes under the miscellaneous category and is one that struck me during the course of our engagement. We had testimony from several speakers on the impact of excessive drinking on people's working life and day-to-day activities the next day. I remember a previous occasion on which the licensing laws were changed, 20 years ago or more, in respect of the 11 p.m. closing time on Sunday nights, with 11.30 p.m. being the closing time on other nights and a special exemption allowed for Thursdays. There was a lot of tinkering around on the times at one stage and the matter was later revisited. As I recall, there were apparently submissions from the Department of Labour at the time - possibly with the support of the unions, although I am not certain about that - asking that late opening not be allowed on Sunday. Fridays and Saturdays were considered fine but closing time on Sunday was specifically kept back to either 10.30 p.m. or 11 p.m. The reasoning behind that apparently was a concern, which may have been borne out in the trial period, about productivity and attendance issues on Monday mornings. That might sound a bit clichéd but there seemed to be some evidence behind it. Are there any views among the witnesses on that? Is it a factor that should be considered, possibly not just on Monday mornings but across the seven days of the week, given modern work practices? One of the representatives from Mandate might be well placed to respond on this point.

Mr. Gerry Light

In a previous occupation, I was president of the old bar workers' union. That was before Mandate was formed. I remember well the discussions on the issue the Chairman mentioned. He has raised a very interesting point in the context of the ever-evolving and rapidly changing world of work, which now includes remote and hybrid working. I remember the discussions, which were very much based on an old, traditional model of work, which assumed that after the weekend, people would appear at work worse for the wear on the Monday or would have a variety of reasons for not appearing at all. It is an important consideration that the world of work is totally changed from what it was the last time the licensing laws came under review. Everybody must have a degree of responsibility not only for their drinking but also in regard to their commitment to their job. I am not sure of the extent to which the concern about Mondays is prevalent and whether it is a view held to this day by the relevant Department. The change in the dynamics of working life is significant in this context and should be noted.

Chairman

This has been a really useful and interesting engagement, for which I thank all the witnesses. We almost had a full house in the committee, although some members had to come in and out to attend other Oireachtas business. It has been a very strong attendance, which shows the interest in this topic. Credit must go to the witnesses, who are stakeholders in this matter, that there was such interest in what they had to say. I

thank them for their engagement. As is usual practice, we will publish the opening statements on the website. Is that agreed? Agreed.

We have already dealt with the private business of the committee but there are a couple of housekeeping issues to address. Members may wish to mark in their diary that there will be an online briefing to the joint committee at 3 p.m. tomorrow on COM (2022) 695, which will be coming before us for consideration. The proposal is that Senator Ward will chair that engagement as I have another commitment. Is that agreed? Agreed. There will be a meeting of the select committee on Tuesday, 14 February to examine the Revised Estimates for 2023.

The joint committee adjourned at 5.48 p.m. until 3 p.m. on Tuesday, 21 March 2023.

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