

DUBLIN CITY JOINT POLICING COMMITTEE
Minutes of Meeting held on Monday, 31st May 2010
at 3.30 p.m., Council Chamber, City Hall

Attendance: Committee Members

Councillor Gerry Breen (Chairperson)
Councillor Larry O'Toole (Vice Chair)
Councillor Mannix Flynn
Councillor Edie Wynne
Councillor John Redmond
Councillor Cieran Perry
Councillor John Gallagher
Deputy Aengus O'Snódaigh
Deputy Tommy Broughan
Asst. Commissioner Michael Feehan
Mr. Peter O'Connor, Community Policing Forum (North East Inner City)
Mr. Tom Coffey, Dublin City Business Association (D.C.B.A.)
Mr. Philip Maguire, Deputy City Manager
Mr. Ciaran McNamara, Asst. City Manager
Mr. Ciaran Dunne, Executive Manager
Mr. Vincent Norton, Executive Manager
Ms. Ruth Treacy, Senior Staff Officer, City Manager's Department

Councillor Eric Byrne
Councillor Bríd Smith
Councillor Michael Conaghan
Councillor Tom Brabazon

Deputy Maureen O'Sullivan
Deputy Catherine Byrne
Inspector Gerry Murphy

Non-members: Councillor Marie Metcalfe, Councillor Criona Ní Dhálaigh

Apologies: John Tierney, Lord Mayor Councillor Emer Costello, the Archdeacon of Dublin, the Venerable David Pierpoint

1. Minutes of Previous Meeting held on 22nd March 2010

Minutes agreed.

2. Matters Arising

Noted.

Letter received today from Department of the Environment, Heritage & Local Government in relation to "Head Shops".

3. Manager's report

Report noted.

White Paper on Crime Discussion Document No. 2 – "Criminal Sanctions"

The deadline for submissions in relation to this document has been extended to 31st July. Submissions should be emailed to whitepaperoncrime@justice.ie Members were emailed to this effect on 01/06/2010.

4. Report of Assistant Garda Commissioner

Report noted.

Gardaí commended on their recent success in the international undercover operation in Ireland & Europe, following which a number of arrests were made.

Letters to be forwarded to the Health & Service Executive and Pharmaceutical Society in relation to the selling of prescription drugs, requesting that a warning be included on product labels highlighting the dangers of transferring the product to persons other than to whom the medication is prescribed.

Actions:

- **Dr. Anne Hope, Trinity College Dublin, to be invited to make a presentation to the September meeting of the Dublin City JPC on “The Effect of Alcohol on Communities”.**
- **Letter to be sent to Planning Department in relation to the legislation used to control “Pop up Shops”.**
- **Letter to be sent to the Health Service Executive (HSE) requesting that the funding for Drug Treatment Centres at community level be renewed**

5. Department of Justice, Equality & Law Reform - Consultation on White paper on Crime Discussion Document No. 2 – Criminal Sanctions – Friday May 28th 9.30 – 1.00 p.m. (Registration 8.45 – 9.00 a.m.), Coach House, Dublin Castle

http://www.justice.ie/en/JELR/Pages/WPOC_Discussion_Doc_2

Noted. See item 3 above.

6. Workplan for City Joint Policing Committee

Workplan, with a few slight amendments, agreed by Members.

7. Report on Area Local Drugs Task Forces

Noted. 2 reports are outstanding.

8. Anti-social Behaviour – Legislative Changes & New Strategy

Noted that this is a Briefing Document only. It is hoped to have the first draft prepared by June, which will be forwarded to the City JPC and the 5 Area Subcommittees, following which any comments will be fed back to the Housing, Social & Community Affairs Strategic Policy Committee (SPC).

Actions: First draft to be brought to all Joint Policing Committees in June and is to include more comprehensive information in relation to:

- ***The clarification and categorisation of the term “Antisocial behaviour” in terms of the degree of seriousness of an offence, the level of sanction to be applied and whether it is working etc.***
- ***the role of communities / community consultation***
- ***introduction of vetting to be investigated***

It was noted that a **Seminar on Antisocial Behaviour Policy will take place on Wednesday 16th June in the Housing Boardroom, Block 2, Floor 2 at 12.30 p.m.** Invitations were issued from Housing & Residential Services Department to JPC Members.

9. European Business Crime Project Next Steps – Search for European partners

Noted.

10. Any other business

Copies of various correspondences circulated from:

- (i) The Office of Tobacco Control regarding "Head Shops"
- (ii) Mr. Jim Keogan, Executive Manager, Planning Department regarding planning permission for "Head Shops"
- (iii) The Irish Association of Health Stores regarding "Head Shops"
- (iv) Food Safety Authority of Ireland regarding "Head Shops"
- (v) National Consumer Agency regarding "Head Shops"
- (vi) Office of the Revenue Commissioners regarding "Head Shops"
- (vii) Department of Health & Children regarding "Head Shops"
- (viii) Mr. Jim Keogan, Executive Manager, Planning Department regarding Off-licences
- (ix) Office of International Relations, Research & Special Projects on Licensing Data
- (x) Enda Martyn, Centra regarding Centra's Off Licences
- (xi) Mr. Peadar O'Sullivan, Head of Waste Management Services regarding St. Patrick's Festival
- (xii) Department of the Environment, Heritage & Local Government regarding "Head Shops"

Correspondence noted.

11. Motion from Cllr. Michael Conaghan referred from Special Meeting of City Council held on 17th May 2010

"This Council will consider a Special Variation of the Development Plan so as to better assist in the regulation, etc., of the retail outlets known as "Head Shops" in light of the serious and on-going concern at aspects of their operation in the city."

It was agreed by Dublin City Council that a change be sought in regulations in order to amend the Development Plan to prohibit activities in retail outlets such as Head Shops and that the matter be pursued through the Dublin City Joint Policing Committee and the Economic Development, Planning and International Affairs Strategic Policy Committee.

Noted. Correspondence on this issue from the Department of the Environment, Heritage & Local Government was circulated to Members by email on morning of meeting and hard copies were made available at meeting.

12. A.O.B.

None

13. Suggested future meetings – dates and topics

Next meeting scheduled to take place on **Monday 5th July at 3.30 p.m. in the Council Chamber, City Hall.**

Dates of future meetings agreed

- 4th October 2010
- 22nd November 2010
- 24th January 2011
- 7th March 2011
- 23rd May 2011
- 25th July 2011

Topics for next meeting

- Community Courts (2 reports circulated to members at request of Tom Coffey, Dublin City Business Association (D.C.B.A.))
- Estate Management & Antisocial behaviour

Meeting of Joint Policing Committee – May 31st 2010

Managers Report

Workshop on Criminal Sanctions

Headshops

New strategy on anti-social behaviour in Council Housing Estates

Managers Report

Criminal Sanctions

Department of Justice Equality and Law Reform are organising their second series of public consultation workshops; this time the focus is on Criminal Sanctions, including fines, prison, probation, community service etc. The workshop is on Friday 28th May from 9.30 to 1.00pm in the Coach House, Dublin Castle. Places at the Workshop are strictly limited but anyone can make a submission to their website.

A discussion/briefing document can be downloaded.

http://www.justice.ie/en/JELR/Pages/WPOC_Discussion_Doc_2

Headshops

The Department of Health and Children has made regulations prohibiting the sale of various chemical/pharmaceutical products. A copy of their press statement on this issue is attached. The Department of Justice Equality and Law Reform has also indicated that primary legislation is on the way in relation to this issue. Copy of statement attached.

Anti Social Behaviour

Section 35 of Housing Act 2009 has amended the Housing (misc provisions) Act 1997 in relation to anti social behaviour. The Housing Department is in the process of finalising a draft policy document for formal consultation with JPC. In the meantime the attached briefing document has been prepared by the Housing Department for Member's information. Ciaran Dunne, Executive Manager, Housing Department is available for comments and queries (2222053).

Philip Maguire
Deputy City Manager

List of banned substances under Government Order

Legislation

- [Misuse Of Drugs Act 1977 \(Controlled Drugs\) \(Declaration\) Order 2010](#) S.I. No. 199 of 2010
- [Misuse Of Drugs \(Amendment\) Regulations 2010](#) S.I. No. 200 of 2010
- [Misuse Of Drugs \(Designation\) \(Amendment\) Order 2010](#) S.I. No. 201 of 2010
- [Misuse Of Drugs \(Exemption\) \(Amendment\) Order 2010](#) S.I. No. 202 of 2010

The following substances and products:

Synthetic Cannabinoids:

[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone

3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate

Any substance structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Any substance structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Any substance structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Any substance structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Any substance structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent.

BZP Derivatives:

1-Benzylpiperazine or any substance structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by modification in any of the following ways -

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylendioxy, halide or haloalkyl groups.

Mephedrone & related Cathinones:

1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-pentanone

1-(2-Fluorophenyl)-2-methylaminopropan-1-one

1-(3-Fluorophenyl)-2-methylaminopropan-1-one

1-(4-Fluorophenyl)-2-methylaminopropan-1-one

Methcathinone

1-(4-Methoxyphenyl)-2-(methylamino)propan-1-one

2-Methylamino-1-(3,4-methylenedioxyphenyl)butan-1-one

2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one

1-(4-Methylphenyl)-2-methylaminopropan-1-one

GBL & 1,4 BD:

Butan-1,4-diol

Dihydrofuran-2(3H)-one (otherwise known as gamma-Butyrolactone)

This legislation also controls any stereoisomeric form of these substances, esters and ethers (where appropriate), salts, and preparations or products containing any proportion of these substances.

Minister for Health and Children announces immediate criminal ban on list of head shop products

11 May 2010

The Minister for Health & Children, Mary Harney, T.D., announced today (Tuesday, 11 May 2010) that the Government has made an Order declaring a number of substances, commonly referred to as so-called 'legal highs', to be controlled drugs under the Misuse of Drugs Act 1977, with immediate effect. This follows approval by the relevant EU authorities.

"These substances are dangerous and their sale and promotion have caused huge anxiety to families and communities throughout the country." said the Minister.

"Their possession and supply are now illegal and subject to criminal sanction of:

- *up to 7 years imprisonment and/or a fine for unlawful possession, and,*
- *on indictment, up to a maximum period of life imprisonment for unlawful supply.*

"This means that the reckless, irresponsible people who have sold and promoted them must safely dispose of every product containing even one of the substances immediately. Otherwise they could face criminal prosecution. They cannot sell, supply, possess or distribute this stock, with effect from the start of today, 11th May.

"I am publishing the full list now in this press release and simultaneously on the Department of Health and Children's [website](#)

"The main categories of substances involved have been published on our [website](#) since 3rd March.

"I am confident that An Garda Síochána will enforce this law rigorously.

"There have been ample reports in Ireland of persons suffering serious illnesses attributed to using some of these substances, and deaths have been reported in other countries, particularly where some of these substances were taken with alcohol or other substances."

The list of the substances by common name is:

- synthetic cannabinoids (contained in SPICE products)
- benzylpiperazine (BZP) and piperazine derivatives
- mephedrone, methylone methedrone, butylone, flephedrone, and MDPV
- GBL and 1,4 BD

GBL and 1,4BD are legitimately used in a number of industries including in chemicals and pharmaceuticals. It will now be an offence to import, export, produce, supply or possess these substances where they are to be used for the purpose of human ingestion (other than as a flavouring in food).

The full list of the “legal high” substances in the Government Order is attached as an Appendix to this press release.

In March 2010, the draft Government Order was notified to the EU Commission under the Technical Standards Directives. This imposed a 3 month consultation period. However, due to increasing concern about the health risks associated with the use of “legal highs”, the Minister decided that an application should be made to the EU Commission to use an urgency procedure and introduce the legislation as quickly as possible. Yesterday (10 May) the EU Commission advised the Government that the legislation could be implemented without the need to await the expiration of the 3 month consultation period.

The Government Order also controls a number of other substances that are not “legal highs” but which have the potential to be misused. These include certain narcotic and psychotropic substances which Ireland is obliged to bring under control in order to comply with the UN Single Convention on Narcotic Drugs and the UN Convention on Psychotropic Substances.

Appendix - List of Legal High Substances in Government Order

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Methcathinone

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GBL & 1,4 BD:

Butan-1,4-diol

Dihydrofuran-2(3H)-one (otherwise known as gamma-Butyrolactone)

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Government Go-Ahead for Head-shop Sanctions

The Minister for Justice, Equality and Law Reform, Mr Dermot Ahern, T.D., today announced that the Government has approved new legislation which will crackdown on the operation and activities of head-shops.

The Government today approved the drafting of the Criminal Law (Psychoactive Substances) Bill 2010. This will provide sanctions against proprietors of head shops engaged in the sale of drug-like products and criminalise the sale and supply of substances sold from them.

Under the new legislation, the sale or supply of substances which may not be specifically proscribed under the Misuse of Drugs Act, but which have psychoactive effects, for human consumption will be a criminal offence. It is also proposed to give appropriate powers to the Gardaí and to the courts to intervene quickly to prevent these outlets from selling these products by way of appropriate prohibition orders.

Minister Ahern said: **"The safety of the community is being put at major risk by the operation of so-called head shops. The operators of these shops are exploiting for large profits the availability of potentially dangerous products by selling them for human use. Such activity clearly seeks to undermine the legal framework for the control of drugs in this country.**

"I am not prepared to allow this to continue. The Government today approved my proposals to ensure that the criminal law and the Gardaí can deal quickly and effectively with those who sell psychoactive substances for human consumption. I look forward to early publication and enactment of the proposed Bill."

11 May 2010

Note for Editors:

The Minister's proposals are intended to operate in conjunction with a number of other avenues which are being pursued, including the regulations introduced today by the Minister for Health and Children to prohibit the sale of mainstream head shop products. The activities of head shops are being closely monitored on an ongoing basis by An Garda Síochána and Revenue's Customs Service, with a view to ensuring that no substances that are currently illegal are being sold.

As part of the multi-pronged approach, relevant Government agencies are reviewing existing legislative provisions to establish if head shops are liable for prosecution under a range of legislation. The HSE, in association with partner agencies under the Drugs Strategy, is finalising a national drugs awareness campaign that will focus on the dangers of psychoactive substances available through head shops.

The National Advisory Committee on Drugs has been asked to carry out some targeted research in this area.

Joint Policing Committee

Monday 31st May 2010

Report of Assistant Garda Commissioner Michael Feehan

At this third meeting of the Joint Policing Committee for 2010 I intend to concentrate on the developments in regard to the crime and traffic statistics for 2010, Headshops and the sale of tablets on the street. I will also outline the outcome of analysis in respect of Public Order trends and Assaults since the introduction of Intoxicating Liquor Act 2008.

CRIME

Since my last report in March 2010 Crimes against the Person have continued to decrease primarily with a reduction in Assaults.

Incidents of Burglaries continue to show a decrease with March and April being the lowest period since September 2008

Robbery from the Person has increased across the Dublin Region and is more prevalent in the City Centre.

Having identified this increasing trend I have put in place a City Centre operation to target these incidents and early indications suggest that the number of incidents is on the decrease.

In particular we have had a number of successes in identifying and bringing before the courts a number of persons for who were primarily responsible for these crimes.

The initiatives across the city to target organised crime continue and I am happy to report that the initiatives which are intelligence driven continue to be seen locally as having an effect on the activities of persons involved in organised crime.

TRAFFIC

The number of people killed on the roads for the first four months of 2010 is 5, a reduction of three (3) compared to the figures for 2009. As indicated previously this is an area which I am monitoring continually. Each of my Divisional Officers has developed a Divisional Roads Policing Plans, which is being coordinated by my Regional Traffic Unit.

Presentation by Mr. Enda Martyn, Centra, Dame Street, Dublin 2

Following the presentation from Mr. Enda Martyn I was requested to report on the impact if any associated with the changes to the opening hours of Off-Licences, in terms of the effect on the number of public order and associated offences. Arising from this request I sought an examination of levels of Public Order Offences and Assaults (Minor and Serious) in the Dublin Metropolitan Region prior to, and following the introduction of the Intoxicating Act 2008.

As you will be aware the Minister for Justice, Equality and Law Reform established the Government Alcohol Advisory Group in January 2008 to examine aspects of the law governing the sale and consumption of alcohol with particular reference to public order issues.

On the 30th July 2008 the Intoxicating Liquor Act 2008 came into force. One of the main provisions of the Act was to restrict off-sales of alcohol to between the period 10.30am and 10.00pm (or 12.30pm and 10.00pm on Sundays and St. Patrick's Day).

The analysis carried out shows that Public Order Offences fell by 14% and Minor Assaults by 3% from 2008 to 2009. Assaults Causing Harm also decreased in 2009 by 1%. It is important to highlight that a number of factors should be considered when examining the decrease in Public Order Offences and Assaults during this period. Ireland entered a downturn in Quarter 4 of 2008, soon after the Intoxicating Liquor Act 2008 was introduced, which resulted in reduced employment, consumer spending and alcohol consumption.

One cannot make a direct casual link between the introduction of the Intoxicating Liquor Act 2008 and the reduction in Public Order Offences and Assaults in the Dublin Metropolitan Region. However this reduction has taken place since the introduction of the legislation in conjunction with the economic downturn and its resultant effect on alcohol consumption.

Selling of Street Tablets

This matter was the subject of an investigation during 3rd Quarter 2009 where persons were arrested on suspicion of selling controlled substances in contravention of the Misuse of Drugs Act 1977/84. During the investigation it transpired that the individuals were in fact selling tablets which were not controlled substances.

A file was subsequently submitted to the Director of Public Prosecutions who directed that no prosecution could be initiated due to the fact that the suspects were not on breach of the Medical Products Legislation / Regulations or under the Pharmacy Acts 1875-1977.

The direction also indicated a prosecution under the Casual Trading Act should not be initiated as a licence could not have been obtained to sell the items in the first instance.

Headshops

On the 11th May 2010 the Misuse of Drugs Act 1977 (Controlled Drugs) (Declaration) Order 2010, Misuse of Drugs (Amendment) Regulations 2010, Misuse of Drugs (Designation) (Amendment) Order 2010 and the Misuse of Drugs (Exemption) Amendment) Order 2010 came into operation. The purpose of this legislation is to amend the Misuse of Drugs Regulations 1988 and include a range of substances currently on sale in the jurisdiction as controlled drugs. Subsequent to these orders coming into operation I collated and prepared statistical information for the information of the Joint Policing Committee in respect of Headshops in Dublin City. The situation with respect of Headshops is being monitored closely with a specific strategy put in place. Their present status can be considered as being fluid since the 11th May 2010, with some Headshops closing. I can advise that in a significant number of cases the owners of these shops have handed over the controlled substances to the Gardai.

THANK YOU