



Dublin City Council

Comhairle Cathrach Bhaile Átha Cliath

**Meeting of the Dublin City Joint Policing Committee – held on Monday
6th October 2008 at 2.00 p.m., Council Chamber, City Hall.**

Attendance: Committee Members

Councillor Eibhlín Byrne (Lord Mayor)

Councillor Mary Freehill

Councillor Paddy McCartan

Councillor Criona Ni Dhalaigh

Councillor Kevin Humphreys

Councillor Mary O'Shea

Councillor Bronwen Maher

Mr. Philip Maguire, Asst. City Manager

Chief Superintendent Frank Moore

Mr. Ciaran McNamara, Asst. City Manager

Councillor Michael Conaghan (Chair)

Aengus O Snodaigh TD

Councillor Liam Kelly

Councillor Larry O'Toole

Councillor Julia Carmichael

Councillor Maureen O'Sullivan

Councillor Eric Byrne

Ms Maria Metcalfe

Ms Kathy Moore

Also present: Mr. Ciarán Dunne, Executive Manager,
Ms. Ruth Treacy, Senior Staff Officer

Apologies: Chief Superintendent Al. McHugh

Minutes: Minutes of meeting held on the 27th February were agreed.

Matters Arising:

- Review of JPC Members attendance at its meetings to be carried out.
- Members requested that training be scheduled for them.
- Oireachtas Members to be contacted regarding their availability to attend meetings on Wednesday / Thursday mornings.
- Member requested that DCC speed up the process of allowing members of the Voluntary Community Sector to come on board.

Report - Assistant Garda Commissioner

Copy attached – **Appendix A.**

- Members welcomed the recent significant seizures of drugs in the City and would like to see more resources dedicated to dealing with drugs and assisting drug addicts.

- The issue of begging on the streets arose and members would like to see legislation introduced to combat this and have additional resources made available to tackle the issue in so-called “Hotspot” areas.
- Members want to see steps taken to prevent members of the business sector from using Halloween as a convenient method of disposing of rubbish.

Report - Working Group on Alcohol-Related Issues

Copy attached – **Appendix B.**

- Changes are to come into operation on St. Patrick’s Day regarding opening hours of off licences.
- Pubs and clubs now have to have CCTV installed before the Courts will grant them licences. Where previously shops could secure planning permission for a convenience store and then advertise the sale of cheap alcohol in it’s windows, this has now been provided for in legislation and in the Development Plan.
- Confiscation of alcohol by Gardaí is covered in the recent Byelaws. In addition the byelaws regarding drinking in public places have been amended to increase fines and include confiscation of alcohol on beaches, public boardwalks etc.
- The next meeting of the City Centre Nighttime Initiative will focus on the Liquor Act 2008 and on the Christmas / New Year period, which needs to be event-managed.
- The Parks Public Order Initiative is running for 12 months and it aims to cease all negative uses of parks. It is proposed to request the Area JPC’s to review this aspect.
- Manager to draw up a reference guide whereby Members could cross reference all the changes that have taken place in this area in the last 12 months e.g. Parks Byelaws, Development Plan etc. to highlight what the JPC has been responsible for effecting and what the Government has changed. This will be combined with data of the new opening and closing hours of Parks (see **Appendix C**)
- Committee to write to Minister for Justice requesting that all alcoholic products be labelled so that off licences selling alcohol to minors can be identified and traced.
- Manager has contacted HSE re Mobile First Aid Facility for the City Centre during weekend nights. It was agreed to raise the matter again with the HSE.

Management of the Nighttime Economy Partnership: An overall approach is to be adopted with the aim of investigating how common problems can be tackled. Manager has attended a couple of the initial meetings and proposes to attend the forthcoming meeting.

Chairman’s Business

Halloween Arrangements re: Bonfires and Fireworks

- The Manager reported that there are 3 aspects to this, prevention prior to the event and the seizure of combustible goods, policing of the event itself and the resulting clean-up.
- The Housing Department is working in conjunction with the Engineering Department in a bid to have all such materials removed.

- Members suggested that leaflets be dropped into households advising them to contact DCC if they are aware of areas where materials are being stockpiled.
- Members have been inundated with calls concerning fireworks, patrols have increased in the Kevin Street area and fireworks have been confiscated.

Rollout of Joint Policing Committees Countrywide

- Revised guidelines in force for JPCs as it is being rolled out countrywide. There has been an increase from 2 to 3 members representing the Community & Voluntary sector on the Dublin City JPC but not on the 5 sub-committees.

Report - Working Group on Estate Management

Mr Ciaran Dunne, Executive Manger, Housing & Residential Services gave an update on the City-Wide Community Safety Strategy for Dublin as set out in the Report - **APPENDIX D**. He will return to the next meeting of the JPC with a final document for approval by the members.

Motions

The following motion was proposed by Cllr. Freehill and agreed by the Committee:

“That this Committee write to the Minister for Family & Social Affairs and request that a representative attend the next meeting but in the meantime, that they commence the process of setting down a list of conditions attached to rent allowance e.g. being a better neighbour etc.”

A.O.B

- The programme “Dial to stop Drug Dealings” will be rolled out to certain areas nationally. It includes Tallaght area, North East and some parts of the country. Members would like it to include the North East Inner City.

Michael Conaghan
Chairperson

APPENDIX A

Assistant Commissioner's Al McHugh Report to The Dublin City Joint Policing Committee

Monday 6th October 2008

CRIME

Speaking in terms of headline crime trend for the quarter ending 30th September 2008 show a decrease of 5%. Detection rate continues to rise standing at 44% year to date.

To be more specific in relation to serious criminal offences,

- murders are down 26%,
- Serious assaults down 2%,
- Sexual crime down 13%,
- discharging of firearms down 27%.

In relation to the high volume crime,

- total thefts are up 4% of which
- thefts from shops are up 13%,
- Fraud offences which caused a major problem last year continue the downward trend by 13%.
- Total headline drug offence show an increase of 18%. It is important to point out that these drug detections require a very proactive police approach to combating our drug problem.

PUBLIC ORDER

The number of public order incidents for year to date is up by 25%.
Minor assaults have increased by 12%.

Special Operations were put in place to police both the Leaving and Junior Certificates results nights and I am glad to say they went off without any serious incidents.

Major outdoor events continue to be policed throughout the city without any major incident; GAA matches in Croke Park and the various outdoor concerts and festivals which took place over the summer months.

INTOXICATING LIQUOR ACT

Since Assistant Commissioner McHugh last addressed you the Intoxicating Liquor Act 2008 became law. (See Explanatory Memorandum **APPENDIX E**) He initiated a high impact operation called "Operation Starlight" which was run between the 15th of August to the 2nd of September this year.

The main focus of the operation was on public areas where anti social behaviour relating to alcohol consumption is prevalent. It targeted local estates, parks, open areas, beaches, special events etc.

Approximately 1,800 containers (cans & bottles) were seized under the provisions of the new Intoxicating Liquor Act 2008 for this specific period.

The alcohol seized during this initiative was destroyed by a Recycling Company on the 5th September 2008, under the supervision of an Garda Siochana. This company is a Waste Management Company and have the appropriate facilities to destroy alcohol and recycle the containers. This company was selected after consultation with Dublin City Council, and Customs and Excise, who have disposed of similar quantities in the past.

POLICING HALLOWEEN

Traditionally Halloween poses a significant challenge which impacts on crime figures. In 2007, the week of Halloween saw an increase of 18% in overall crime, 94% increase in the number of Public Order Offences and 43% increase in Assaults when compared to the last week of September 2007.

At the moment plans are in place for Policing Halloween at the end of this month called Operation Tombola. As in past years we will work in close co-operation with the City Council on preventative measures to identify stockpiles of material used for bonfires, which can be seized. With this in mind I have instructed local Superintendents to ensure that all skips, (in particular those containing combustible material), located in their areas are removed and/or properly secured to prevent the contents being set alight. In this regard contact will be made with skip providers to ensure compliance.

In addition we will support the Dublin Fire Brigade to ensure that they can do their job without hindrance.

Off licences will be visited and monitored and the new provisions of the intoxicating liquor Act will be enforced by Gardaí.

OPERATION HAWKEYE

Operation Hawkeye was initiated to target the upsurge in distraction thefts at ATM machines in the city centre and the sneak thefts of wallets and purses from the pockets and handbags of pedestrians.

The suspects primarily targeted people who were elderly or tourists. In all cases, the culprits who were Roma Gypsy's operated in teams of two or more and approached the target from behind or else surround the target on each side and proceed to "dip" into their pockets or bags and steal wallets and purses. In many cases locations were identified as queues at bus stops or Luas trams.

Operation Hawkeye 1 was carried out in the early hours of March 28th, several addresses across Dublin were searched and 12 people were arrested and prosecuted.

Operation Hawkeye 2 was carried out on 28th May, again searches were carried out and 9 people were arrested and prosecuted.

One startling aspect of this case was the search of 14 different flats. When Gardaí entered each of these one bedroom flats they discovered between nine and twelve Romanian Nationals in each. It was apparent that the individuals were living out of suitcases. Many of them had only entered the Country a day or so previously. Of note Gardaí discovered evidence of extensive airline travel tickets belonging to Romanians residing at the addresses. It was clear that these individuals had been located at several cities across Europe over the previous 18 months.

This indicates large scale organisation of young Romanians for the purpose of engaging in petty crime and the constant movement across Europe frustrates prosecutions.

BEGGING

On the 2nd of July last year Assistant Commissioner McHugh mentioned to you the position with begging in the city. You may remember that he told you that the High Court held that the relevant provisions of the Vagrancy Act were unconstitutional.

I can tell you as a result of the High Court decision begging has become a problem in our city. I am not referring here to homeless people; rather I refer to organised groups of people who make substantial earnings from begging, often using small children to gain sympathy, or indeed to carry out the begging on their behalf.

The Gardaí are constrained in their efforts to curtail this problem because of the absence of legislation.

TRAFFIC

In relation to Operation Freeflow in past years there has been tremendous co-operation between the various stakeholders including, Dublin Transport Organisation, Local Authorities, Dublin City Business Association, Transport Providers and the National Roads Authority. Operation FreeFlow will commence at the end of November.

The number of people killed on the roads of the Capital is down from 29 to 20 a reduction of 9 on the same period last year.

So far this year in the capital there were 56,220 people breath tested and 323 arrests for drink driving at mandatory alcohol testing checkpoints.

JPC's

In May last Assistant Commissioner McHugh with the Assistant City Manager Philip Maguire travelled to Monaghan and made presentations at a Community Policing Seminar hosted by Co-operation North. This was attended by members of local authorities from North and South as well as the PNSI and An Garda Síochána.

DUBLIN REGIONAL POLICING PLAN... 2009

The National Policing Plan for 2009 is currently being drafted and once my office gets sight of the draft the process of drafting a Policing Plan for Dublin for 2009 will begin.

In relation to the National Policing Plan the Commissioner has invited submissions from local authorities including Dublin City Council. I would encourage you to make your submissions in relation to your priorities for policing the capital for 2009.

Al Mc Hugh

Assistant Garda Commissioner

APPENDIX B
Report on Alcohol Control

- A. The final version of the Joint Policing Committees Guidelines has now been issued by the Department of Justice and the Department of the Environment in order to allow mainstreaming of the JPC initiative to all Local Authorities. A copy of the guidelines can be reproduced from www.justice.ie for your information. The main changes in the new guidelines relate to (a) Increase in community representation from 2 to 3 members (b) Training for JPC chairs and members (c) Emphasis on strategic focus.
- B. The Government Expert Group on Intoxicating Liquor has reported and I attach a copy of the City Councils Alcohol Subgroup report with the Government Expert Group recommendation annotated thereon. The Government has followed up by enacting the Intoxicating Liquor Act 2008 which covers a lot of the recommendations of our subgroup; vis; New grounds (Section 7) for the Courts refusing to grant **new** off licences including unfitness or inconvenience of the premises and adequacy of the existing number of licenced premises of the same character in the neighbourhood, Gardai & local residents may object to court on same grounds; Later general opening hours (12.30pm) for off licences on Sundays and St. Patrick's Day and early closing hours (10pm) everyday; Strengthen public order grounds for Garda objections to late night opening of pubs and clubs which must also comply with fire safety standards; Courts can attach a requirement for CCTV and trained door-staff for licenced premises; The so called Happy Hour, 2 for the price of 1 or other alcohol promotions are prohibited; Advertising, sale and display of alcohol is restricted to a specific, structurally separated area of mixed premises; Test purchasing to prevent underage sales is authorised; General powers granted for the confiscation by Gardai of alcohol being consumed in public places; Court closing orders on pubs and clubs for underage sales or serving to intoxicated customers must now be for a minimum of 2 days. This 2008 Act is also cross-referenced with our Alcohol Subgroup report. It is understood that a codifying Bill covering all aspects of the Licenced Trade is planned for the next 12-18 months.

In the meantime City Council has amended its own Drinking in Public Bye-laws to cover (a) Confiscation of all alcohol being consumed in public (This will work with Sections 14 and 19 of the Intoxicating Liquor Act 2008) (b) Increase the on the spot fine to €75 and the maximum Court fine to €1900 (c) Inclusion of Beaches, Boardwalk, Canal, Towpaths, Curtilage of Public Building, Cemeteries in the definition of Public Places. These new Byelaws are now operational and have been copied to Dublin Gardai.

Dublin City Council has also amended the Development Plan to provide a policy framework covering applications for planning permission for new off licenced premises (This will work in tandem with Section 7 of the Intoxicating Liquor Act 2008).

The City Centre Night Economy Partnership Group has continued to operate; it is expected that the next meeting will focus on the implication of the new Intoxicating Liquor Act 2008 and preparation for the Christmas/New Year Period. The Parks Public Order Initiative has now been running for over 12 months under the Aegis of the Area JPC's; it is proposed to request Area JPC's to review the outcomes of this initiative and to consider whether a second phase extending to two additional Parks for area would be worthwhile and timely.

APPENDIX C

Dublin City Council Alcohol and Public Order Working Group

The Working Group on alcohol related issues has met on a number of occasions over the last 12 months.

In that time the following progress has been made by Dublin City Council:

- a) Invited submissions from public, community groups, general business, vintners, hotels, off licences regarding alcohol issues.
- b) Set up pilot scheme in two parks in each of the 5 Committee Areas where problem relating to alcohol, congregation, drugs, vandalism and other anti-social behaviour were a regular occurrence. The pilot consisted of a partnership of local residents, local area management, local parks management and local Gardai. Pilots to be reviewed Q1. 2008.
- c) Set up City Centre night economy management partnership consisting of Central and South East Area Managers, Store Street and Pearse Street Garda, Vintners, TASQ, National Association of Off-Licences and Dublin Bus. The emerging BID's company will also be tied in and steps are being taken to bring in the fast food industry; the taxi industry has agreed to participate. The Hotels Federation and Night Clubs Association have been invited to join.
- d) A visit to Belfast City Council and the PSNI took place in September 2007 where an exchange of experience and best practice took place.
- e) Mobile urinals deployed on Friday & Saturday Nights in Westmoreland Street and around Croke Park on big match days.

A new Sale of Liquor Bill is expected to be published in 2008. It is therefore timely to consider some of the issues identified to date by the working group and postulate some possible ameliorating actions for consideration.

<p>Development Plan Amendment May 2008: Recommendation 4 of Government Advisory Group. City Development Plan now amended. Section 7 of Intoxicating Liquor Act 2008.</p>	<p>1</p>	<p>Exponential growth in number of off licences.</p>
<p>Recommendation 5 of Government Advisory Group. Section 4 of Intoxicating Liquor Act 2008.</p>	<p>2</p>	<p>Council could consider limiting under the Development Plan the number it will approve in any one area of the City on grounds of proper planning and development of area. (The carrying capacity of any area of City in relation to clusters of large pubs, off licences and fast food premises is limited and needs control). Local Authorities should be given specific powers to do this in proposed Sale of Alcohol Bill.</p> <p>Hours of business of off licences should be curtailed with suggested trading hours of 10am to 8pm. This requires primary legislation. Limit quantity of alcohol that can be purchased by anyone under 21. Consider ban on sale of spirits to anyone under 21.</p>
<p>Recommendation 10, 12 & 21 of Government Advisory Group. Section 4(37c) &</p>	<p>3</p>	<p>Control of sale to underage children – Mandatory requirement to produce Government I.D. Card (Sales linked to ID Card). Need to operate and keep one months CCTV record of all sales that can be inspected by Gardai. CCTV coverage should also be required outside pub/off licence premises to monitor and record</p>

Section 7(2) & 10 (IV & V) of Intoxicating Liquor Act 2008.		situation activity and perhaps reduce proxy buying.
Recommendation 14 of Government Advisory Group	4	Home delivery by Off Licences should be regulated and delivery to parks etc. of alcohol should be outlawed by primary legislation.
Recommendation 7, 8 & 9 of Government Advisory Group. Section 10 (VI) of Intoxicating Liquor Act 2008.	5	All serving and door staff working in pubs or off-licences and late night fast food premises should be required to have completed specified training.
Recommendation 7 of Government Advisory Group	6	The size of all future pubs should be limited in size to allow proper supervision of premises and customers sobriety. A qualified licenced person should be in charge of all premises whenever open. Loss of licence would prevent person working in future pub industry. As an alternative to limiting size, there would be a requirement to have a minimum number of qualified staff on duty at all times, related to sq m ² of premises.
Recommendation 25 of Government Advisory Group. Section 13-15 of Intoxicating Liquor Act 2008.	7	Temporary closing order should be mandatory for specified minimum periods for specified offences (underage selling, serving those already drunk). Advisory Group should consider whether Local Authority or a new Sale of Alcohol Regulator should carry out this function instead of the courts.
Recommendation 6 & 15 of Government Advisory Group. Section 9 & 16 of Intoxicating Liquor Act 2008.	8	Mixed premises (shops, supermarkets, petrol stations) should be limited to using a small percentage of their floor area for the display for sale of alcohol. Below cost sales, happy hour, 2 for price of 1 should be prohibited in both pubs and clubs and off-licences. Targeted marketing of alcohol at groups such as students in Universities should be banned.
Recommendation 30 of Government Advisory Group	9	Fast food premises should have their trading hours limited to pub/club hours to discourage loitering of crowds in City Centre, which often leads to disorder. This may be possible under the condition of planning permission for future premises; existing premises may need primary legislation.
Note to Health Inspectors	10	The toilet requirements of <u>all</u> pubs should be reviewed having regard to their usual peak time number of customers at weekends – this would reduce urination in public.
Section 10 of Intoxicating Liquor Act 2008	11	Problem premises, which give, rise to noise, public urination and other nuisance or public disorder on a regular basis should have local intervention by the area JPC with a view to resolution by agreement with licencees. Failure to achieve resolution should result in a reference to Problem Premises Expert Group with a view to securing a resolution through court licencing system by objecting to extended trading hours/late night opening. The legal role of Local Authorities in renewal of pub/off licence licences and extended hours should be increased. Objection to and

Recommendation 29 of Government Advisory Group. Section 14 & 19 of Intoxicating Liquor Act 2008.

refusal of extended licence should be permitted on a premises specific basis as well as area basis.

Letter sent to Taxi Regulator

1 Gardai and approved officers of Local Authorities should have
2 power of confiscation of all alcohol found in possession of
3 person(s) drinking in public whether all containers open or
4 closed; city byelaw to be amended accordingly. Sale of Alcohol
5 Bill should eliminate any doubt regarding Powers of
6 Confiscation; Fine under Byelaws for drinking in public should be
7 increased above €75 maximum allowed under DOEHLG
8 guidelines. Consideration should be given to using some of the
9 tax and licence income from alcohol to finance employment by
0 Local Authorities of street/community wardens to help police
1 public order and alcohol consumption in parks and public places.

1 All City Centre taxi ranks should be actively monitored on CCTV
2 by Gardai to ensure early intervention where necessary. Taxis
3 Regulator should review need for industry to provide marshals at
4 specific busy taxi ranks at weekends.

1 The shift working pattern of Gardai should continue to optimise
2 available Gardai resources between 9 p.m. and 4.00 a.m.
3 Thursday to Sunday. The use of GIS to map public order
4 incidents should be expanded to cover all areas and the
5 deployment of Black Maria's to those locations at closing time
6 might have a calming effect.

Letter sent to H.S.E

1 HSE should consider setting up temporary first aid units in City
2 Centre at weekends to avoid chaos that frequently descends on
3 A+E Departments from drunks at that time. Drunks requiring
4 medical treatment should be required to pay full cost of
5 treatment.

Development Plan Section 9 of Intoxicating Liquor act 2008.

1 Public advertising and promotion of sale of alcohol and display of
2 product in shop windows should be banned by law.

1 Mobile CCTV monitoring units for each division of Gardai in
2 Dublin City.

Section 4 of Intoxicating Liquor Act 2008.

1 Minister should have power to make order to restrict sales hours
2 for pubs and off-licences on specific days – e.g. St. Patrick's Day
3 – 5.00pm opening of off-licences.

1 Health warning should be labelled on all alcohol containers

1 A single court sitting on weekend morning (Fri, Sat, Sun, Mon) in
2 Dublin to expeditiously deal with all previous nights drunk and
3 disorderly cases.

<p>Recommendation 22 of Government Advisory Group. Section 10 of Intoxicating Liquor Act 2008.</p>	<p>21. Review and close theatre licences loophole; numbers have expanded from 17 in 1996 to 75 (either granted or being processed) in 2008 to date.</p>
	<p>22. Promote role of schools /education re: drink/drugs; health implications, Government to finance and promote sports, leisure and cultural facilities and activities as counter balance to pubs/alcohol.</p>
	<p>23. Limited number of late night bar extended hours rationed out on a rota basis per area.</p>
	<p>24. Favourably reconsider Café bars; smaller bars with food available are easier to supervise and less likely to facilitate the “feeding frenzy” that is not unusual in large pubs.</p>
	<p>25. Promote youth cafes and “hang out” centres in urban centres.</p>
<p>Recommendation 13 of Government Advisory Group</p>	<p>26. Devise and pilot a traceability scheme for off sales.</p>
	<p>27. The possible advantages of sequential closing times for pubs/clubs should be considered in relation to numbers (a) on the streets (b) in fast food premises (c) looking for public transport at the same time.</p>
	<p>28. Urban Local Authorities should be given powers/responsibility for developing partnerships to manage the night economy as set out at point (c) on page 1.</p>

Philip Maquire
Dublin City Council

06/10/08

APPENDIX D

Report to Joint Policing Committee

Monday 6th October 2008

A City-Wide Community Safety Strategy for Dublin

At its meeting held on 27th February 2008, the Joint Policing Committee adopted a process for the production of a City-Wide Safety Strategy for Dublin. In addition, the Joint Policing Committee approved the following key principles that will underpin the strategy -

- Towards a Safer Community
- Targeting Crime
- Promoting Public Order
- Tackling Substance Abuse
- Supporting Young People
- Communicating Positively
- Facilitating Transition

Since that meeting a Consultant has been engaged and has prepared a draft strategy. This draft set out a series of goals, objectives and actions under the above principles that will lead to a successful strategy.

In order to ensure the success of the strategy and its implementation at local level, it was brought to the five Area Managers of the City Council's local administrative areas for consultation in the first instance. The Area Managers, the Consultant and Housing Management have met on a number of occasions and extensively reviewed the draft.

This revised draft plan is now ready to be discussed at the local Area JPCs, where the local Gardaí, local public representatives and community representatives will have an opportunity to put forward their views and ensure their concerns are addressed in the final document.

Following this consultative stage, the draft strategy will be brought before this Joint Policing Committee for formal approval.

On adoption of the Strategy, an Implementation Plan will be prepared at local level.

Ciarán Dunne
Executive Manager



**AN BILLE DEOCHANNA MEISCIÚLA 2008
INTOXICATING LIQUOR BILL 2008**

EXPLANATORY MEMORANDUM

General

The purpose of this Bill is to amend the Licensing Acts 1833 to 2004 and the Criminal Justice (Public Order) Act 1994 in order to give effect to reforms recommended by the Government Alcohol Advisory Group as well as proposals in relation to the seizure of alcohol from certain persons.

The Minister for Justice, Equality and Law Reform established the Government Alcohol Advisory Group in January 2008 to examine key aspects of the law governing the sale and consumption of alcohol with particular reference to public order issues. The Group was asked to examine the following areas of concern:

- the increase in the number of supermarkets, convenience stores and petrol stations with off-licences and the manner and conditions of sale of alcohol products in such outlets, including below unit-cost selling and special promotions;
- the increasing number of special exemption orders which permit longer opening hours which are being obtained by licensed premises around the country; and
- the use, adequacy and effectiveness of existing sanctions and penalties, particularly those directed towards combating excessive and under-age alcohol consumption.

The Group submitted its Report to the Minister on 31 March 2008. It contains 31 recommendations for legislative and other reforms in areas covered by its terms of reference. The proposals set out in this Bill seek to give effect to recommended reforms in licensing law and public order legislation. Further reforms of the licensing system will be contained in the forthcoming Sale of Alcohol Bill which will modernise and streamline all the laws relating to the sale and consumption of alcohol.

The main provisions in the present Bill are as follows:

Section 1 contains the short title, collective citations, construction and commencement provisions, while *section 2* contains relevant definitions. These are standard provisions in legislation of this type.

The proposals set out in *Part 2* contain reforms relating to the sale and consumption of alcohol, including measures to improve compliance with and enforcement of licensing law. *Section 4* proposes

generally to restrict off-sales of alcohol to the period between 10.30 a.m. and 10.00 p.m. (12.30 p.m. to 10.00 p.m. on Sundays and Saint Patrick's Day). The existing provision which permits the sale of alcohol from 7.30 a.m. in premises engaged in mixed trading is being repealed. In addition, *section 3* repeals outdated provisions which permit the early opening of licensed premises located in the vicinity of fairs and markets for the purposes of supplying food and refreshments at reasonable prices.

At present, a wine retailer's off-licence may be obtained directly from the Revenue Commissioners without a District Court certificate. Applicants for a spirit retailer's off-licence or a beer retailer's off-licence require such a certificate, however. As recommended by the Advisory Group, *section 5* provides that in future an applicant for a wine retailer's off-licences will also require a District Court certificate. *Section 6* extends the grounds on which the District Court may refuse to grant a certificate for a spirit, beer or wine retailer's off-licence (similar grounds already apply to applications for on-licences under the Intoxicating Liquor Act 2000). Objections may be made at the relevant District Court hearing by the local Garda Superintendent and local residents. When granting a certificate, the District Court may also impose a condition that a CCTV system be installed.

Section 7 is a technical proposal which gives jurisdiction for granting the certificate for a wine retailer's off-licence to the District Court and provides for the giving of advance notice of applications for such licences.

Section 8 provides for the structural separation of alcohol products from other products in premises which are engaging in mixed trading, e.g. supermarkets, convenience stores and petrol stations. It proposes that alcohol be displayed and sold in a separate area of the premises to which access is controlled. Where structural separation is not feasible, e.g. because of the size of the premises, alcohol products must be displayed and sold from a part of the premises where public access is prohibited, e.g. from behind a counter. As implementation of this provision may require structural alterations within premises, it is intended to give licensees an adequate period of time to make the necessary arrangements before bringing it into force. Structural separation will not apply to specialist off-licences and to duty free shops.

Section 9 amends existing statutory provisions under which the District Court may grant "special exemption orders" which permit extended opening hours for special occasions. The conditions under which such orders can be made are being amended to require the operation of a CCTV system at venues where the public are admitted, e.g. nightclubs, late bars. The public order ground on which objection may be made by the Gardaí to the grant of such orders is also being strengthened. Moreover, the District Court may not grant such orders in future unless satisfied that the premises concerned comply with fire safety standards under the Building Control Act 1990.

Section 10 deals with the sale of alcohol in premises with theatre licences. In future, the sale of alcohol before and after performances will only be permitted during normal licensing hours, or during extended opening hours under a special exemption order granted by the District Court. This will ensure equality of treatment for all premises operating as late night venues.

Section 13 adds three new sections to Part IV of the Intoxicating Liquor Act 1988. The new section 37A provides the Gardaí with a

power to seize bottles and containers of alcohol in the possession, in a place other than a place used as a private dwelling, of a person who is under 18 years (or by a person accompanying the person under 18 years) and where the Garda believes with reasonable cause that the alcohol has been, is being or is to be consumed by a person under 18 years. It will be an offence for a person, when requested by a Garda, to refuse to give his or her name, address and age, or to hand over the bottle or container, with a fine of up to €500 on summary conviction. The new section 37B provides for powers of entry for the purposes of section 37A (or, as the case may be, section 8A of the Criminal Justice (Public Order) Act 1994 — see section 18 of this Bill). *Section 11* inserts a definition of “bottle or container” in section 30 of the 1988 Act.

The new section 37C makes provision for test purchasing of alcohol products. Parental or guardian consent in writing will be required in all cases and all reasonable steps must be taken to protect the young person concerned. Test purchasing may be carried out in all types of licensed premises and is intended to assist Gardaí in their enforcement activities.

Section 12 and *section 14* provide for a minimum two day closure period for temporary closure orders made by the District Court on the conviction of licensees for certain licensing offences, e.g. sale of alcohol to a person under 18, or permitting drunkenness or disorderly conduct on the premises. At present, relevant statutory provisions state that the closure period may not exceed 7 days in respect of a first such offence but do not specify any minimum period. *Section 16* provides for increases in fines for certain licensing offences, including the sale of alcohol to a person under 18 and for permitting drunkenness and disorderly conduct on licensed premises.

Section 15 provides for the making of regulations which may prohibit or restrict the advertising, promoting, selling or supplying of alcohol at reduced prices in order to reduce the risk of a threat to public order as well as health-related risks arising from excessive consumption of alcohol. Reduced price in this context will include the award, directly or indirectly, of bonus points, loyalty card points or any similar benefits and the use of such points or benefit to obtain alcohol, or any other product or service, at a reduced price or free of charge.

Part 3 contains amendments to the Criminal Justice (Public Order) Act 1994. *Section 18* inserts two sections into the 1994 Act in order to provide the Gardaí with certain powers in relation to persons that are in the possession of intoxicating substances in a place other than a place used as a private dwelling. This power may be exercised under the new section 8A where a Garda believes with reasonable cause that the person is acting in a manner that gives rise to a reasonable apprehension for the safety of other persons or property or for the maintenance of the public peace, or where the person is causing, or the Garda believes is likely to cause, annoyance and nuisance to others or to the enjoyment and peaceful possession by others of their property. In any of these circumstances, the Garda may seek an explanation and request the hand-over of the intoxicating substance, and where appropriate, may seize it and direct the person (or persons) to desist from acting in the manner referred to and direct the person (or persons) immediately to leave the place in a peaceable and orderly manner and may request the person to give his or her name and address. It will be an offence not to comply with these requests, with a fine on summary conviction of not more than €500. It will also be an offence to fail to comply with a Garda’s direction

under this section, with a penalty of up to €1,000 on summary conviction. The new section 8B provides for powers of entry for the purposes of section 8A (or as the case may be, section 37A of the Intoxicating Liquor Act 1988 — see section 13 of this Bill). *Section 17* amends the definition of “bottle or container” in section 4 of the Criminal Justice (Public Order) Act 1994.

Section 19 amends and increases the fine amounts specified in the Criminal Justice (Public Order) Act 1994. The details of the revised amounts are set out in *Schedule 2*.

Schedule 1 increases certain fines for licensing offences (section 16) while *Schedule 2* increases certain fines in the Criminal Justice (Public Order) Act 1994 (section 19).

There are no significant financial implications for the Exchequer.

An Roinn Dlí and Cirt, Comhionannais agus Athchóirithe Dlí, Bealtaine, 2008.