

**Irish Nightclub Industry Association**

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**SUBMISSION TO THE  
ALCOHOL ADVISORY GROUP**

31<sup>st</sup> January 2008

## Executive Summary

- All On trade licensed premises have control over both the sale and consumption of alcohol. Nightclubs represent a safe and controlled environment for late night entertainment. It is a significant industry throughout Ireland and an integral part of Ireland's tourism industry.
- In 2001 the "On Trade" in Ireland accounted for 70% of all alcohol sales in the Republic of Ireland by volume. By 2007, that has declined to 48%, with the "Off Trade" growing from 30% to 52% in the same period. Through these Off Trade channels, the marketing, promotion, pricing, and sale of the alcohol is inadequately controlled, and the consumption is not controlled at all.
- The INIA are seeking the introduction of a Nightclub Permit. This Permit would, for the first time in Irish history, legally define and acknowledge the existence of Nightclubs, and allow the Special Exemption Order system to be used for "specific and special occasions" rather than allowing for regular late night opening, for which it is currently used.
- The INIA believes that Sequential Closing of Licensed Premises should be the cornerstone of the pending licensing changes.
- The INIA are calling for a compulsory National Identity Card to tackle the problem of under-age alcohol consumption, and facilitate our proposal for on the spot fines for public order offences.

## 1. Introduction

The Irish Nightclub Industry Association ( INIA ) was formed in the mid 1980s and it is the representative body for nightclub owners and operators in the Republic of Ireland comprising approximately 300 premises. It is a €500m industry employing some 4,000 full time equivalent jobs and entertains approximately 500,000 adults every week.

The INIA is sympathetic to the Government's attempts to get to grips with issues such as binge drinking, anti-social behaviour and under-age drinking. As a responsible stakeholder in the Licensed Industry in Ireland, the INIA believes that nightclub operators have a significant role to play, in conjunction with all relevant authorities, in the management of the overall night-time experience within our towns and cities. To this end, INIA members are involved with, and indeed pioneering various pilot schemes throughout the country. This would include acting on Sub Committees to the Joint Policing Committees, a pilot programme which the INIA would like to see expanded nationwide. The INIA and its' members are committed to assisting the Government, and all its agencies, in a partnership approach to tackling these issues.

The INIA submits this proposal to the Alcohol Advisory Group ( the Group ) following the recent call for submissions. We believe that in producing this proposal, we are setting out the case to bring Irish laws on licensing hours into line with those of other European countries, and serve the public better by creating a safer and more secure environment for late night entertainment.

This submission outlines the need for the introduction of a Nightclub Permit for our industry, endorses that the Special Exemption Order system should be employed, as it was originally intended, for special occasions, and promotes the concept of Sequential Closing for licensed premises. The INIA are keen to point out, creating legislative licensing obstacles, such as restricting access to alcohol, is not a panacea for the issues at hand. We acknowledge the need for change, and we must all be cognisant of the fact that alcohol abuse is a intergenerational problem which is embedded in our culture and history. To facilitate the cultural and social changes necessary, other measures such as education, training, policing resources, personal and parental responsibility need to be developed.

## 2. Off Licenses

In 2001 the "On Trade" in Ireland accounted for 70% of all alcohol sales in the Republic of Ireland by volume. By 2007, that has declined to 48%, with the "Off Trade" growing from 30% to 52% in the same period. The INIA does not support the practice of below cost selling of alcohol or deep discounting, tactics used by the supermarkets and convenience stores to drive footfall to their outlets since the repeal of the Groceries Order. The controls of the promotion, marketing, pricing and sale of alcohol through off licenses in convenience stores, supermarkets and petrol stations are inadequate, and there is no control over the consumption. The Off licence retailer has no control over who, how, where or when the alcohol is consumed. This lack of control over alcohol consumption presents large risks for safety and public health in general. This is reflected in the number of tragic deaths at house parties in recent times.

This ready access to below cost alcohol if bought in large quantities has led to a new phenomenon known as “pre-loading”. This typically means young people consuming large quantities of alcohol, before they even go out for the night. Feedback from INIA members indicates that there has been a sharp increase in the numbers refused admission to nightclubs in the last two years, as a result of being intoxicated upon arrival at nightclubs.

Alcohol cannot be treated like other consumer goods, and the INIA believes there is a need for the introduction of tight controls on the promotion, marketing, pricing and sale of alcohol through retail outlets.

### **3. Special Exemption Order System**

The process of using an SEO to operate a Nightclub or a Late Bar has evolved over time, as there was no other means to trade in the past. The INIA believes that the introduction of a specific Nightclub Permit would then allow the SEO system to be reformed and used, as it was originally intended. In other words, SEO's would only be granted for genuine “special” occasions, so they would become the exception and not the general rule.

The introduction of a Nightclub Permit would facilitate the Sequential Closing of licensed premises. Research by the UK's Institute of Alcohol Studies has demonstrated that Sequential Closing times represents a viable strategy for reducing anti-social behaviour. The theory of Sequential Closing has wide support by the various bodies in the On Trade. In order to facilitate Sequential Closing, there must be a significant gap between the closing times of Bars and Nightclubs, a minimum of two and a half hours.

There is clear public demand for well-managed and reputable late night entertainment venues. It is also clear that only venues operating to the highest standards are equipped, staffed, and trained to meet this demand in a safe and controlled manner. The INIA believe that a clear distinction must now be drawn between a bar and a nightclub, and the hours during which they trade. We propose that all bars operate as the normal hours currently stand, with SEO's granted for “special” occasions only, and nightclubs operate between 10pm and up to 4am at the latest, as dictated by consumer demand. The Nightclub Permit would represent the only means to operate beyond 12.30am on a regular basis. It would not be possible to operate the same venue as both a daytime bar and a nightclub.

The following criteria define the characteristics of a Nightclub :

- (a) The Nightclub would only operate between the hours of 10pm and 4am.
- (b) The premises would have to satisfy all of the Local Authority statutory requirements.
- (c) The premises would already have secured an Ordinary Publican's License.
- (d) There would be an admission price charged at a cash desk upon entry, and a numbered ticketing system available for inspection by the Fire Services/Gardai.
- (e) A Nightclub primarily provides entertainment through music and dancing. Therefore, the area reserved solely for dancing consists of not less than 20% of the gross public area of the nightclub.
- (f) Each Nightclub operator must have public liability insurance cover of not less than €10 million in place.
- (g) A nightclub must have at least two security persons on front door duty, with one security person for every 100 patrons.

The Nightclub Permit would be applied for annually and it would encompass the music, dancing and entertainment in the Nightclub as well as the licence for the sale of alcohol. It is therefore recommended that the Nightclub Permit would incorporate both the License for Music and Singing, and the Public Dancing Licence, as these are inherent attributes of the Nightclub offering. It is recommended that the District Court be the single authority responsible for the licensing, registration, renewal and sanctioning of Nightclubs. Should the District Court sanction the removal of the Nightclub Permit from a venue, it would not effect the Ordinary Publican's License for the venue.

#### **4. Effectiveness of Existing Sanctions**

The association would welcome the introduction of on the spot fines for public order offences, which will make policing our streets more effective from a time and manpower perspective. The INIA also believe the Government must now introduce a National Identity Card to combat under-age alcohol consumption.

In relation to penalties, we believe the judicial system should be reformed to make the penalties "venue specific". Under the current regime, a Judge may curtail the opening hours of all venues in an area, the vast majority of which are not responsible for any incidents or public disorder. Such penalties are disproportionate and discriminatory to compliant nightclub operators, and have had serious consequences for the viability of many innocent businesses.

The INIA believes that through effective communication and a partnership approach to these problems, there would be less of a need to employ such sanctions and penalties. The INIA is monitoring a number of initiatives that are rolling out both in Ireland and in the UK. Key members in Dublin are pioneers in the Play Nice Campaign in Temple Bar. It combines a Best Practice Code of Conduct for licensed premises, and most importantly good clear channels of communication with An Garda Siochana. The INIA understands that TASCQ, the founding body of the initiative, are making a submission to the Group, with full details of the campaign. Initiatives such as "Safe Home" in Belfast and Waterford, the Washington Street Initiative in Cork, and a programme called "Best Bar None" by our counterparts BEDA in the UK, are all proving that you can have a safe and vibrant nightlife through cooperation. It must be pointed out that a key element to many of these initiatives is to increase Garda / Police presence on the street, the most successful deterrent to anti-social behaviour. The absence of adequate resources to control a vibrant nightlife should not be the reason to introduce legislation to restrict or curb a well-managed and responsible industry.

## 5. Conclusion

The INIA welcomes the opportunity to put this proposal to the Group. This is a significant development for the industry, as it has the potential to provide a robust and transparent regulatory regime which is essential for the viability of the sector. This submission has outlined the need for the introduction of a Nightclub Permit, detailed a resolution to the abuse of the current SEO system, highlighted the need for additional controls in the Off Trade, and shown that Sequential Closing hours for the licensing trade will both contribute to public order and sustain the viability of the sector.

We would be happy to meet with the Group to discuss this proposal in more detail and to answer any questions that may arise.

For further information on this submission, please contact INIA Chairman,

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