

DÁIL ÉIREANN

AN COMHCHOISTE UM CHULTÚR, OIDHREACTH AGUS GAELTACHT

JOINT COMMITTEE ON CULTURE, HERITAGE AND THE GAELTACHT

Dé Céadaoin, 13 Samhain 2019

Wednesday, 13 November 2019

The Joint Committee met at 1.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Bernard J. Durkan,*	Maura Hopkins,
Fiona O'Loughlin,+	Marie-Louise O'Donnell,
Niamh Smyth.	Fintan Warfield.

* In éagmais / In the absence of Deputy Martin Heydon.

+ In éagmais le haghaidh cuid den choiste / In the absence for part of the meeting of Deputy Niamh Smyth.

I láthair / In attendance: Deputy Aengus Ó Snodaigh.

Teachta / Deputy Donnchadh Ó Laoghaire sa Chathair / in the Chair.

Business of Joint Committee

Chairman: I advise members to turn off their mobile phones as they interfere with the sound system and broadcasting of the meeting. I propose that the committee go into private session to discuss housekeeping matters. Is that agreed? Agreed.

The joint committee went into private session at 1.43 p.m. Sitting suspended at 1.59 p.m. and resumed in public session at 2.01 p.m.

Promoting Nightlife, Economy and Culture: Discussion

Chairman: I thank everyone for coming. Táimid fíor-bhuíoch daiobh, I am very grateful to you for taking the time to appear before the committee. We hope between this meeting and a subsequent meeting that we have just agreed with the Department to be in a position to draft a report on the strength of this that will make recommendations on the whole area that we are discussing and promoting, including nightlife, nightlife culture and the night time economy. To assist the committee in considering this matter, I am pleased to welcome, from Give Us The Night, Mr. Sunil Sharpe and Mr. Robbie Kitt; from Electric Garden and Theatre Galway, Mr. James Finan and Ms Laura O'Connell; and from Central Arts Waterford, Ms Ciara O'Connell and Mr. John O'Connell.

Before I ask witnesses to address the committee, I draw their attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, 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.

Opening statements and any documents submitted to the committee may be published on the committee's website after this meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I ask witnesses to keep opening statements to about five minutes as we have a subsequent second station. Their presentations have been circulated to members and will be available on the Internet after the meeting. I ask Mr. Sharpe to give his presentation on behalf of Give Us the Night.

Mr. Sunil Sharpe: I thank the committee for having us here. Give Us The Night is an independent volunteer group whose primary purpose has been to achieve fair conditions for night time venues. Night time is about bringing together communities, enjoying unique experiences and in many cases being inspired to create challenging art and music. Night time is a magical time that so many of us live for. We want to live like the rest of Europe, but instead we are living in a no man's land, where in order to open, venues must apply for nightly special exemption

orders rather than being granted their own specific annual licence. We are still operating under this bizarre legislation from the last century that does not meet modern requirements.

The infrastructure supporting venues in Ireland is wholly inadequate. The system is set up to penalise any venue that wants to operate beyond standard pub hours and the costs are extortionate. It is €410 per night, plus legal fees, for any venue, regardless of size, to open. This price was fixed in 2008 by Fianna Fáil and has been continued by Fine Gael. Venues have been priced out of the market. Special exemption order applications are down 55% since 2008 and dance licences are down 46%. Ireland, famed for its dancing culture, is for the most part prevented from dancing after dark. This is an issue that has been neglected by the Department of Justice and Equality and needs to be rectified.

This is not just about dancing. It is about opening our main urban centres later to move us into line with other European countries. Why do theatres, galleries, coffee shops, restaurants or even markets not open later? Why is there not a business model for them to open, considering that gyms open 24 hours and bus routes are now beginning to operate for 24 hours? Despite having record levels of tourism, we are ejecting people from our towns and cities at artificially early times, also putting excessive pressure on transport services and gardaí. No other European country does it like this.

Licensing is unavoidable in the conversation about music and night-time culture. The knock-on effect to performers and staff is catastrophic when a venue has to shut down. Many talented people around Ireland, young and old, do not have anywhere suitable to perform or work anymore. The vast majority of qualified sound engineers do not have regular work and would currently be lucky to find any work in this country. We once had working showbands becoming stars around Ireland, when there was a nationwide venue circuit worth talking about. We can have that again, and more people can earn a living here and will pay more taxes here. Instead the primary focus of Government, councils and tourist boards is event tourism, in the shape of large-scale concerts and festivals. This results in a gig economy that is sporadic and unpredictable. Supporting local venues and ongoing community-led events will lead to a more vibrant night-time economy.

Once upon a time we built dancehalls, we had cinemas next to our local shops, and we had various places for young people to come together and create real-life communities. Multi-purpose spaces are now commonplace around Europe. These spaces are not just a pub or a club, but operate as different types of facilities from day through to night, for the local community as well as for visitors. These spaces can operate as an art gallery or coffee shop by day and transform into a performance space or dance club by night. The licensing system for venues is mean-spirited, anti-business, anti-music and anti-culture. It is a form of censorship, which is not surprising, since the legislation relating to venues was more or less written by the Catholic church in the 1930s.

We propose the reintroduction of the theatre licence for late night cultural and music events, or a variation of this licence to be called a culture licence or a night-venue licence. We also suggest the introduction of a multi-use licence for all types of cultural, artistic and business activities under the same roof. We cannot underestimate the value of the night-time economy. The UK values its nightlife at £66 billion per year, while Berlin values its club industry alone at €1.5 billion per year. Similarly, we should value the creative minds and entrepreneurship that emerge from the dance floor. Electric Picnic was spawned from an internationally-renowned Dublin nightclub and became an essential Irish cultural event like no other.

Local development plans need to follow through on what they say. The Dublin City Council development plan states “there is a need to facilitate the concept of the 24-hour city, particularly in the city centre and other key district centres”. It also states that it seeks to “promote and support a vibrant night culture in the city centre that attracts a diverse range of cultural activity and is attractive for a wide range of age groups”. Given the vast number of key venue closures recently times, does Dublin City Council believe that the city has a vibrant night culture?

The Minister, Deputy Josepha Madigan, and her Department are in the early stages of developing a policy on night-time culture. She has cited different areas where changes could be made, such as licensing and planning, and has also discussed the creation of a night mayor to manage night-time activities. Given the growing lack of access to cultural and music-based activities at night, we would like this committee to do all in its power to get behind this initiative. We also propose that the Government commission a report on the night-time economy as soon as possible, that can forecast the potential impact on local economies around the country, should we reform the structure around nightlife.

We are at a critical point. An important cultural change must take place that recognises modern culture and communities and what they expect going into 2020.

Mr. James Finan: I thank the committee for the invitation. We look forward to working with members of the committee this afternoon. Earlier this year, the Minister, Deputy Madigan, convened an engaging forum for stakeholders and we are encouraged to be this far in the process. There are more than 200,000 hospitality jobs in Ireland and the industry is worth an estimated €9 billion to the economy each year. This is especially the case in the west of Ireland where culture and tourism are often the main sources of income for many communities. There is no harm in saying that this is a challenge at which we excel. The Wild Atlantic Way has become an important initiative and local people have been the engine behind this success. Small businesses, arts companies, community groups and workers have helped to drive the west as a destination for food, culture, heritage and a unique experience. People can enjoy art, music, and drama to a standard on par with anywhere else in Europe.

However, challenges remain. There is great concern about Brexit and any outcome that would place the Irish economy at a disadvantage. The Government works hard to ensure that sectors such as agriculture or finance can do their business on a level playing field with counterparts elsewhere. Our cultural and night-time industries have been struggling with one hand behind their back.

In an age of budget travel we are competing with cities and events on the Continent that operate in much more favourable conditions. Irish nights out are world-famous, but it is often more attractive to residents of Ireland to leave the country for the weekend. Thousands of euro go abroad each week because as Ireland closes its doors at night Europe carries on doing business.

People’s habits and lifestyle and the country in which we live have changed dramatically. The hours people work and how they socialise have changed. There are more options than ever but all this is happening against the backdrop of laws from the 1930s such as the dance halls Act, dating from a time when Ireland was a very different place.

At the workshop the Minister organised earlier this year there was a policy suggestion to map venues in curating events of cultural significance. Giving such venues an opportunity to promote musicians and artists for extended hours during festival periods such as the Galway

International Arts Festival would be extremely beneficial to the local economy and the cultural life of the town or city. This is of particular significance as Galway city and county will host the European Capital of Culture in 2020.

The prohibitive costs of the special exemption process are one of the primary reasons venues are closing their doors around the country. What can cost over €125,000 in fees for late licences here costs just over £1,000 in the UK. Even with these exemptions Ireland has one of the earliest curfews in all of Europe. To keep trading with such high costs we have evolved into a multipurpose event space. We have opened our doors to the Galway Jazz Festival, the Cúirt literature festival, Galway Theatre Festival, TULCA Festival of Visual Arts and the Above the Fold design festival and have become a temporary home for Theatre57, a collective of 90 independent theatre artists making work in Galway city and county. In the current licensing legislation, however, there is no clear distinction between a bar and a venue. A bar can apply for the same exemption order and trade for the same hours. When the extra costs and higher risks associated with promoting an event are added, it is understandable why many venues around the country have closed.

Without these performance spaces, artists have no avenue, and we are all poorer for it. A one-size-fits-all approach has not served us. Previous Ministers have spoken of their intention to modernise the laws and streamline the licensing process, but reform has stalled on a number of occasions. In this respect we welcome the development of Ireland's first nighttime cultural policy.

Chairman: I thank Mr. Finan. Now, for the final presentation of this session, I call Ms Ciara O'Connell on behalf of Central Arts.

Ms Ciara O'Connell: Having been asked to present, and not wanting to speak from my own experience in isolation, I reached out to select colleagues in the arts and entertainment industry to get some of their thoughts and ideas on the current state of Irish nightlife. As a business owner, I am entrenched in making my business work and until recently did not have the time to stop and look beyond my own patch to see how our nighttime culture is doing. Dishearteningly, it appears the answer is "not well". Those to whom I spoke reported finding it increasingly difficult, if not impossible, to do business, with many talking exit strategies. I strongly feel, however, that all is far from lost and that with the right supports we can turn this around. We are faced not with a crisis but with an opportunity to capitalise on what we have, bring real Irish culture to the fore and allow a nighttime economy that can be among the best in the world to flourish. Ireland is a unique mix of cosmopolitan and traditional. Our people are well travelled, multicultural, broad-minded and always welcoming of new experiences. Our nightlife should and could reflect this, provided it is given the opportunity to grow and thrive.

I am representing my company, Central Arts, and my city, Waterford. I feel in some sense that I am representing our smaller regional cities and towns as well. There is a commonly held belief that Dublin nightlife culture is not doing well. While this may be true, the committee should know that this is happening all over Ireland and we have all been feeling it for a long time. In 2014, during the darkest days of the recession, austerity and job losses, my partner and I decided to reinvest our savings and some redundancy money in an alternative venue that offered something different but something for everyone - an alternative nighttime space. I come from a social work background and my partner is a theatre producer and artist. With our eclectic mix of skills we decided to give it a go. So Central Arts was born. Our venue is small but perfect for what we do. Our ambitions are modest and our expectations scaled. We have only 50 seats and are far from a commercial venture; we are somewhere between a small family

business and a social enterprise. It is safe to say that without the support of our local council we would not be where we are today. We are a venue - a black box theatre - and an arts company. At the heart of what we do is breaking down the inherent exclusivity of the arts and making the arts and culture accessible to everyone. We strongly believe in inclusivity, opening up the general understanding of what culture is and creating a space for contemporary and traditional entertainment offerings.

As our company has grown, so has our remit: it now includes festivals, workshops and mentoring programmes that help young people find their way into careers in the arts and events and performance areas. We are a home and performance space for artists, musicians and theatre makers, and our own productions have toured nationally and internationally. This broad remit has meant we have an offering for all our community. Thousands have crossed our threshold over the past five years to perform, engage in and enjoy a diverse offering of modern and traditional Irish culture.

Sadly, however, after five years hard work to make this idea a success, we now find that the space in which we exist is being squeezed and that the freedom to provide an alternative to mainstream, alcohol-based nightlife culture is becoming increasingly elusive. This August we were informed by the Garda that to continue our electronic music offering we would have to apply to the courts for a public dance licence or to cease these nights immediately. We were subsequently told by our insurers that to afford the necessary insurance cover to hold such a licence, we would need to have turnover well in excess of €1 million, which is clearly out of the reach of a small, 50-seat arts venue. We never wished to serve alcohol in our premises or to have alcohol central to our model but are now being forced to do so to be able to continue providing a programme of entertainment at nighttime. We must now become a licensed venue to continue existing.

Central Arts has a business model that is unique and has proved successful; however, as an alternative venue there is no protection or support for us. Grassroots music and arts venues are becoming a thing of the past. We were born of the recession and wanted to make something happen in our city when there was so little. Now, with the green shoots of recovery growing around us, we wonder whether there is any room left for us to exist. Where and how will young people get their start in the entertainment and nighttime industries if there is no infrastructure to support them? I feel that our idea of Irish culture is narrowing. We need to re-examine it to include contemporary art forms, new cultures and alternative ideas and forms of performance. Not only that, but we need to allow these to flourish as part of a nighttime culture that allows opportunity for every alternative. We have been unable to access any funding or support at a national level. There is a commonly held belief in regional Ireland that arts and culture funding does not trickle down past the capital.

What can be done to encourage alternative nightlife, and nightlife as a whole? As the Give Us the Night campaign has stated, the legislation that dictates our nighttime economy, certainly the application process, is outdated and needs to be re-examined and overhauled, with allowance made for venues outside the mainstream licensing system. We need to look to Europe to bring our nighttime offerings into line with its more successful examples and we cannot do this while constrained by the current licensing system. As we have found in Waterford, the Garda has a lot of power to dictate the nighttime economy, which has resulted in a national inequality in respect of closing times. Likewise, the insurance industry and the claims culture are having a huge effect on nightlife, with runaway premiums single-handedly pushing small independent venues and festivals out of business. There needs to be more support for grassroots organisa-

tions, those who provide diverse offerings, and smaller venues such as ours that may never turn over €1 million in a year.

Chairman: I thank Ms O'Connell. I will now hand over to the members to ask questions of our first set of witnesses.

Senator Fintan Warfield: I thank all the witnesses for their contributions. Today has already been a huge success, given the fact that the Departments of Justice and Equality, and Culture, Heritage and the Gaeltacht are surely listening at this point. Judging from people I speak to, young people in our towns and cities right across the country are looking for sustainable places in which to dance, staggered opening hours and closing times, and public transport home. I thank Mr. Sharpe and Mr. Kitt for bringing my attention acutely to the policy areas on this issue. I attended their public meeting a couple of months ago. I think there were more than 300 people there. That shows the demand and shows that young people are politicised on this issue. I laugh when the *Irish Independent* or *The Irish Times* suggests what the next big social issues are and overlooks this issue. It should not be overlooked. The work being done by all of the delegates and Give us the Night is progressing this issue.

I visited the former technical school in Amsterdam a few weekends ago. It is now a nightclub, but it is also a concert venue, restaurant, café, exhibition space and gym with a 24-hour licence. Mr. Finan has said people are more likely to go away for a long weekend and if they only go out to socialise or party once a month, they might save it to pay for the Ryanair flight to Lisbon, Amsterdam or Berlin. We need to keep them here.

I am also concerned that friends and people I meet leave clubs early to go to hugely unregulated spaces about which we do not know much and which are possibly dangerous. They might also go to casinos to have another drink. This is not about drink, but if someone wants to have another drink after 3 a.m., he or she will go to a casino.

In the committee's second session we will meet officials from the Department of Justice and Equality to discuss licensing issues. The Minister, Deputy Flanagan, is in favour of reforms, but there are no immediate plans in place to discuss them. The Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, has said the same. Consultation will be needed. What is the next step in dealing with the issue of licensing? Do we need a wide consultation process that will take in the views of all concerned? What will happen in nightclubs and venues if the current licensing system continues without reforms?

Chairman: Were those questions aimed at all of the delegates?

Senator Fintan Warfield: Yes.

Chairman: I will allow them to respond to the Senator before calling Senator Marie-Louise O'Donnell.

Mr. Sunil Sharpe: Nightlife is wilting away and will continue to do so. It has disappeared from some rural areas. It is diminished greatly in cities outside Dublin and has now taken a very bad turn in Dublin. There are almost no venues in the centre of the city anymore. There are a few, but the city is now dominated by pubs and restaurants. It is great that those places can do business, but that is the only offering available at night and it seems to be a trend throughout the country. As Ms O'Connell and Mr. Finan noted, the offering at night is becoming more and more narrow and I think the problem is going to get worse. It is certainly not going to get any better. This issue was also discussed almost 20 years ago and at the time the Government was

criticised for not going far enough with its changes in licensing. The Chairman of the committee at the time, the current Minister for Justice and Equality, Deputy Flanagan, also showed frustration at what had happened. Before the Minister leaves office, he should stick to his word and do something about this issue.

Chairman: I am sure people will be-----

Senator Marie-Louise O'Donnell: Should there not be two other delegates here? Mr. Ray Yeates from the-----

Chairman: There will be a second session.

Senator Marie-Louise O'Donnell: My apologies.

Mr. Sunil Sharpe: We do not want to talk too much either.

Senator Marie-Louise O'Donnell: What the delegates are saying is brilliant.

Senator Fintan Warfield: Why does Mr. Finan think it is so important to make a distinction between a bar and a venue licence?

Mr. James Finan: We are not proposing changes to how bars operate. The licensing system is restrictive when running a large venue, owing to the cost of entertainment and the limited hours during which we can operate. The system promotes the selling of alcohol because there is only a small window in which to do business. The system in place here is not comparable to that in any other city in Europe, even when it comes to putting together a programme of entertainment. Sometimes an agent or manager will laugh and ask why his or her clients are going on so early if they are the headline acts because they are so used to playing later. It is really hard to continue with this model. Many venues are closing both in Dublin and rural areas. It is an economic decision. If it is not possible to run a business successfully, one changes the business model and that is what is happening.

Senator Fintan Warfield: It is important to debunk the myth that this will increase people's alcohol intake, particularly based on what Ms O'Connell said.

Mr. James Finan: If we were given the ability to open our doors later, we probably would not do so most nights. Changing the licensing system would not mean people would have more money to go out to socialise. We would probably not choose to stay open until 4 a.m. most nights, as we would still have to pay all of our staff and so on. As the change would not line the pockets of everyone going out at night, nothing would really change in that sense. However, it would mean that when an event or festival such as the Galway International Arts Festival was held, with 6,000 people attending, we could carry on entertaining them throughout the night. It would not add to the level of anti-social behaviour either. The way we operate forces everyone out of venues at the exact same time, which puts a strain on Garda resources and transport services. If the times were staggered, some of the pressures might be alleviated.

Ms Ciara O'Connell: The legislation governing this area dates from the 1930s. Surely we have moved on a little since. We and our businesses are being governed by an outdated law that needs reform in some way or another. We are not looking for instant reforms. We are looking to start the conversation and process, as which we have done today. The venue I run is small and focused on the arts, but it also has a night-time offering. We would never stay open very late, even if night-time licences were to be extended. I run a small family business, but it is

complementary to what my colleagues are doing. A scene must offer everything, but that is not currently an option in Ireland because businesses such as mine which want to offer something different do not have the space in which to do so.

Mr. Robbie Kitt: I will make a final point about this issue. Both Mr. Finan and Ms O’Connell are talking about the need for flexibility and the lack of it under the current system. Mr. Finan alluded to artificial closing times. I acknowledge that the Department of Justice and Equality is concerned about issues such as maintaining public order and alcohol consumption. It should be noted that the current system incentivises the sale of alcohol in order for businesses to actually operate. The other things businesses such as Ms O’Connell’s can offer are not facilitated under the current licensing system and arrangements. Regarding public disorder instances, the Department is very concerned about the disturbance caused to residents. The current system, with its artificial closing times, pushes people out of venues at the same time and creates artificial concentrations. It is testament to the Irish public that there are not as many public disorder instances as there could be because the licensing system, as it stands, does not create very safe or favourable conditions. I encourage any member of the committee to come with me on any payday or weekend in Dublin when he or she will see what happens on the streets when all venues close at 2.30 a.m. or 3 a.m. It is testament to those on the streets that there are not as many problems as there might be and to the Garda that these issues are policed, but it is not sustainable. The current licensing system works against public safety and ordinance, rather than providing any protection for residents or the public in these settings.

Chairman: Does Senator Warfield have further questions?

Senator Fintan Warfield: Sin é.

Senator Marie-Louise O’Donnell: I thank the delegates. I am being educated by what they have to say. I am at a stage in my life where I sit at home watching “Judge Judy” or drink wine at weekends. My nightlife is now internal, rather than external, although I take the point about the showband era, of which I was very much a part. It was so vibrant in the country. It was our lifeblood. Could Mr. Kitt elaborate on Ms O’Connell’s position in having this wonderful venue and then having to get insurance and a licence and being incentivised to do so? The officials are coming in later and the legislation needs to address that.

Mr. Sunil Sharpe: It is all pub life.

Senator Marie-Louise O’Donnell: I ask Mr. Sharpe to hold that thought and come back to me on that. I was very surprised about not only the insurance costs but also the licensing and the question that had to be answered, even though one did not want to answer that at all.

Are we not to sleep?

Chairman: I wish to clarify that because we have two sessions, I will ask each member to ask all of their questions in order that the witnesses can address them all together.

Senator Marie-Louise O’Donnell: ----

Senator Marie-Louise O’Donnell: I thank the Chairman.

Chairman: My apologies for jumping in there, and I thank the Senator.

Senator Marie-Louise O’Donnell: There is a perception, certainly among my age group, of the violence that one hears about: the one-punch chip shop punch, or in the clubs, be it drink

or drug-fuelled on O'Connell Street even in the middle of the day. There is a perception that Dublin is a dangerous city. People write about it all of the time. Can the witnesses address that? That needs to be counteracted because they know what they are talking about because they run the venues and participate in this environment.

I have this notion that Temple Bar is open 24 hours a day. I agree that we need to get back to the small entertainment venues because we have become a Tesco of entertainment. Even with the opening of Wetherspoons, with which there is nothing wrong, but it is as if we are going to the same venue and we "Tescoise" everything. I use that description to reflect the bigness and that everything has to be on that scale, as opposed to the unique small venues that can be found in Edinburgh at festival time in little alleyways where there is theatre, dialogue, debate and art.

The very thing that Ms O'Connell is trying to do is so important but it is being closed down by what is attributed to the big venues.

Mr. Sharpe referred to food. I refer to international cities. For example, I had the privilege once of be in Taipei, it came alive at 12 midnight but everything quietened down by 4 a.m. There was a live sense of people shopping or having food, which is very important.

Is it that we have less control than in other cities? People come home from Amsterdam, including my sons, and say that it is a wonderful city, full of life but with a police presence, where everybody is having a wonderful time and there is no violence. What the witnesses are asking for is completely right. We can have the Wild Atlantic Way but we must also have the physicality of city life. In Limerick and Galway, and not just during festivals, what they are saying is completely right. If we can assist in amending the legislation, I am totally on their side.

Ms Ciara O'Connell: Much of the anti-social behaviour is due to the fact that people are going out and 2 a.m. is the closing time. They feel they have to cram their night in. We have a lot more power to police ourselves than we are given credit for. Should there be later offerings, people will be able to police themselves and go for the night. With the 2 a.m. finish, people feel that they have to put everything into this certain small space of time. That creates an issue.

The venue I run is complementary to the likes of the Electric Garden and Theatre in Galway. There has to be space for all these venues. I talk a great deal about a scene. We need a scene where our culture and who we are as people can be shown to visitors, be it a small venue like mine or the bigger venues. There is space for everybody to coexist. At the moment the legislation is not allowing that to happen.

Venues like mine are starting to disappear. If we disappear, it will be hard to get us back. Much of what we do in our venue is because I come from a social work background. One of the mentorship programmes we started was connected to electronic music. That is how I met these gentlemen. We brought in young DJs, aged 16 and 17, showed them how to put on a night and aided them in graphic design. A couple of those DJs are now touring all over the world. They came up through my venue, found their way into an artist performance space, and are making a career out of it. We need to provide these spaces for young people so that they can find their feet and cut their teeth in the arts world. This world can be very exclusive and unattainable for certain demographics of young people. If we do not have venues like mine, which are stepping stones into the arts world, it is not going to happen.

My partner will talk about the insurance issue, as he is more *au fait* with it.

Mr. John O'Connell: We were told that to continue operating in that night time space, we

needed to have a public dance licence. Having such a licence would have increased our insurance costs from €20,000 a year up to €60,000 a year. We would need to turn over €1 million to €1.5 million a year to afford the insurance premium that would cover that. We were told by members of the Garda, after they visited one night, that if we wanted to continue doing these nights, we needed to have a public dance licence to do so. That is where we find ourselves now.

Ms Ciara O’Connell: The licence that we used was because there was to be no-----

Mr. John O’Connell: Impromptu dancing.

Ms Ciara O’Connell: Yes, impromptu dancing.

Mr. John O’Connell: Impromptu dancing is okay; planned dancing was a problem. It is crazy.

Ms Ciara O’Connell: The language being used was that we could not have any planned dancing in the venue.

Mr. Sunil Sharpe: One of the important points to make is that we want to change the culture, but we do not want to parachute in a culture that people fear, or do not know what to expect from it. There is this assumption that if licensing is changed, everywhere will open until a certain time and there will be chaos on the streets.

Senator Warfield mentioned visiting a school in Holland. I have played a great deal in Holland in many different places. I played in Maastricht earlier in the year where the promoter apologised for the club having to close so early at 5 a.m.

Irish venues have the earliest closing times by a long chalk. Socially, people have changed. There is a more cosmopolitan spread of people in Ireland now who expect different things as well. Many people coming here to work travel from other cities where have a night life worth speaking of. What has to change, which may take a little while to happen, is that the ideal scenario is someone, probably within the council, would operate similar to a licensing board. Officials could make considered and more democratic decisions on night life issues. That could involve deciding on what venues could stay open a little later or obtain that kind of licence. Obtaining licences probably should be under the remit of the District Court once a year. We do not believe that having to go to court once a month is a good idea. I could say a great deal about that system but none of it would be positive. We need to get rid of the system or at least let it sail away. It has no place in modern times and we need to create a couple of new licences but with more management. That could mean a night time commissioner or night mayor or whatever one would want to call that person, that is, somebody who would oversee night life and give it the love it deserves.

Mr. Robbie Kitt: We are talking about an aspect of facilitation by legislation. This is the type of arts investment that can happen not by looking for funding but more by structuring the system in a fair way that can allow for these types of cultural venues. These can, as Ms O’Connell has said, give young artists their initial platform. Going back to the dance hall era and talking about social spaces for people to come together, we have great institutions in this country such the GAA that are sports institutions on the face of it, but also act as an important community fixture in so many places. We can be doing this with this kind of art spaces that can self-sustain themselves through these licensing reforms and allow these spaces to exist in a positive way for their communities but also as a business. This is something that can allow creative people to contribute towards the economy in a positive way.

Senator Marie-Louise O'Donnell: What about the art spaces in every town in Ireland, whether they be community spaces, theatres or garages? We have venues everywhere. At one stage, we had so many venues but did not have the money to keep them open or to people them. The witnesses mentioned the ones they have created themselves but do they play any part in the towns and villages of Ireland? Are they allowed to do so, or are the towns and villages under a different auspice?

Ms Ciara O'Connell: What I am talking about is a stepping-stone effect. The arts can be very exclusive. Not everyone has access to the arts. For those who do, that is fine but a person who comes from a council estate might not go to IMMA or somewhere like that. He or she might never consider crossing that threshold. A venue like mine provides a stepping stone into these spaces. It makes the arts more accessible. We hold a variety of events, including open mikes and so on. We also hold electronic music events. We have seen a huge crossover within our audience. When young people come to the venue to DJ and so on, it provides them with a start. They attend the talks, the open mikes and our productions and then they go to the Theatre Royal to see our other productions. It is about breaking down the exclusivity.

Senator Marie-Louise O'Donnell: Yes.

Mr. Sunil Sharpe: It is not all doom and gloom either. Culture night is a great showcase of what can be done over the course of a night using underutilised venues. This is creating a model for a certain portion of the evening that we should be aiming for on a more regular basis. The irony of an event being hosted in the Department of Justice and Equality was not lost on us. We need all types of other spaces that one would not expect to see being used in this way opened up on an ongoing basis. I accept this would require ongoing co-operation between the Government and councils. We are running out of suitable spaces because the commercial model no longer exists. In Dublin in particular we are losing all of our key venues, with many of them now converted into hotels.

Senator Marie-Louise O'Donnell: Yes, far more so in Dublin than in other parts of the country, where some of the theatres are looking for people to take a platform artistically. Mr. Sharpe is correct in what he says about the uniqueness of Dublin and the performance uniqueness of spaces is being closed down.

Mr. Sunil Sharpe: Earlier, we suggested that the theatre licence be reintroduced as well. Over the years, there has been a great deal of collaboration between the late night scene and theatres. At one point, they were both operating on the same licence. In 2008, former Minister, Dermot Ahern, imposed further restrictions on the use of theatre licences such that they are now only operable up to 1 a.m., which does not serve the needs of late night venues. I believe a small modification would bring it back to where it was. As a short-term fix, consideration could be given to that, perhaps under a new name, and with a wider ability to change for different type of venues.

Deputy Aengus Ó Snodaigh: On the point regarding the theatre licence, I recall the arguments about moving the pub licence hours at a time when they had to close at 11 p.m.. When the move to allow them to remain open until midnight or 12.30 a.m. there was no corresponding shift for any other licence, which might have addressed some of the problems. The distinction between both disappeared or became blurred. There was, at least, a recognition of a venue licence by a theatre licence. I have seen, in this city in particular, venues disappear. Most of this is related not to the venues not being viable but to property values. More and more of them are being squeezed out. In my own area, old cinemas and halls have been replaced with hotels.

There is no space even within those hotels for what would have been a disco venue in the past, albeit the disco finished at 2 a.m. and everyone was turfed out on the roads at the same time. This issue has never been fully addressed. I agree with the witnesses that in other European cities, the closing time of pubs and venues is staggered. Venues are allocated a set number of hours during which they may be open or in some cases, there are no set hours, in that a venue can remain open for as long as is viable. We have never addressed that issue here.

Some of my questions may have been already addressed. If we move towards a more enlightened examination of how we regulate venues, will it be a 24-hour licence? In the next session, we will meet representatives from Dublin City Council representations. Over the past three decades, the council has encouraged the repopulation of the city centre. This has resulted in the establishment of venues in conflict with residents. I agree with the witnesses' remarks regarding the challenge of insurance. This challenge is present not only in relation to venues but in every walk of life. Businesses, small shops or venues of the types mentioned are being squeezed out of existence because of rip-off insurance costs in this country. Is there opposition from the Licensed Vintners Association to a shift in terms of the licensing of venues, be that theatre or other venues? Vintners are experiencing their own struggles in respect of their equilibrium. Do they see this another challenge to them?

I congratulate the witnesses on their vision. I have three brothers who are musicians. They regularly complain to me about licensing laws in venues and about not being able to continue when everybody is in a good space. This is not about people being able to drink more alcohol. Often, people are enjoying themselves when suddenly the lights come on and everybody is told to leave, killing the atmosphere that has been created, whether by music or dance. This can create tensions, which then spill out onto the street.

Chairman: To move proceedings along, I ask that one witnesses from each group respond.

Mr. Sunil Sharpe: It is difficult for us speak on behalf of the publicans. I would see this more as an opportunity for them. Their industry has been shrinking over the years but I would like to think that it will stabilise and we will not see the end of the Irish pub. Nobody wants to see that happen. At the same time, they need to modernise. One great advantage they have is that they are still sitting on spaces that are at a premium. If they have the vision, they can better utilise their spaces. It is entirely up to them. As I said, I cannot speak on their behalf.

I have met one of Deputy Ó Snodaigh's brothers. We used to stock his CD, *Tóg É go Bog É*. It was a bestseller.

In terms of musicians, we are based in the late night industry. I am also an educator. I teach in the Bray Institute of Further Education, where I teach many upcoming musicians and DJs. In the last five years, they have had no outlet for their music. They are being told, a lot of the time by pub owners who are the ones who have function rooms and space, that it is prohibitively expensive to hold music events. In addition, people who want to hold a small party or an event for their friends must place an expensive charge on the door and if they do not get adequate numbers of people in, that is their dream finished. We need to keep the focus on young people. It is easy for politicians to focus on their constituents if they are pub owners or nightclub owners and to forget about it when they get a bit older and no longer have an issue arising. This is also about young people and our creative communities. We have to hold them highly in all of this.

On the 24-hour licence, the only place that I could see that working right now would be in Dublin. Twenty-four hour licensing is like having a blank canvass. It does not mean that ev-

erywhere will remain open for 24 hours. We can provide the committee with greater plans in terms of our mixed venue licence idea. It would be close to a 24-hour model but that does not mean 24-hour licensing for alcohol.

Mr. Robbie Kitt: Essentially, it is about a flexible system. If there is no reason for a venue to open, it will not open its doors. Demand will vary from city to town and around the country. It is the idea that we have a one-size-fits-all system at the moment is the issue. Mr. James Finnan and Ms Ciara O'Connell can talk about restricted closing hours outside of Dublin where in some cases it is restricted to 1.30 a.m. and 2 a.m. We are talking about having some flexibility within the system which can allow businesses to make their own decisions with regard to those options.

Mr. James Finnan: We probably would not be going for 24 hours a night in Galway as there would not be a market for it. We are probably looking for the flexibility to go a little bit later for key dates and seasons in the city. I do not think 24/7 would be something we would be rushing towards.

Ms Ciara O'Connell: There is a misconception that if we get 24 hours the country will be raging. That is not going to happen.

Deputy Aengus Ó Snodaigh: We hope.

(Interruptions).

Ms Ciara O'Connell: The Deputy might be but I definitely will not be.

As I said, the one-size-fits-all approach does not work. It is squeezing businesses like mine out of existence. We are going to lose our grassroots operation soon. If we do not take a comprehensive look at what contemporary Irish culture is and our night-time offering, it will be lost and changed quickly. We are not at a crisis point but we are fast heading towards it. It is time to take the reins and take control of it.

We are not looking for a fast fix. We know there is no fast fix around changing legislation. What we are looking for is the start of change. We are looking at the offerings across the board from the small 50-seat venues like mine to the much larger scale venues. There is room for everyone. In contemporary Ireland, we should have a space for everyone where we can thrive and do business.

Chairman: This is useful. We can recognise this in every city and town. In Cork, there were well-known venues which closed over the years. There was a long tradition in Cork of electronic and house music at venues such as Sir Henry's. More recently, venues such as The Pav have closed down. At this stage of my life, I am more nights in than nights out. A few years ago, one could see serious restrictions in choice and it was getting more restrictive. That is an issue which concerns and frustrates many people. There might be more flexibility in Dublin. However, in Cork one could see the impact of everybody coming out on to the streets at the same time with going to the same takeaways, public order issues and taxis. The taxi drivers themselves would have said that they were reliant on a brief period and then suddenly it was over. That does not suit anybody.

There is need for change and the arguments have been articulated. We will have a discussion with the Department of Justice and Equality after this session and with the Department of

Culture, Heritage and the Gaeltacht in a fortnight. This is relevant to the Department of Justice and Equality from the point of view of licensing. However, this is also a cultural and an artistic issue. This is about people's ability to dance, to enjoy music and to perform. That is a vitally important part of it. There is a debate in Dublin and across the country about how attractive our cities and towns are as places in which to live. The ability to enjoy culture is a big element of how attractive our cities and towns are.

Can anyone give an estimate as to how many people are working in this sector? The witnesses gave data on dance licence applications and special exemption orders. Both of them have been decreasing quite dramatically. Will this continue? Obviously, insurance is an element of that as well as licensing. Are there other factors involved?

I was interested to note that Central Arts Waterford stated that Waterford City and County Council has been quite supportive. There is a role for local authorities in this. I would hazard a guess that not every local authority is as supportive. What did Waterford City and County Council do right in this regard? Aside from the point about licensing committees, what can local authorities do? There is a proposal around a night mayor, for example.

Should there be three new additional forms or a single one for licensing? Are specific forms of licences required?

Mr. Sunil Sharpe: I will go back to the theatre licence. The reason clubs and pubs went for that was that it meant they could stay open later and serve alcohol late. The underlying reason one gets a theatre licence is because one is providing performance and entertainment, performance being the main one. Committees or individuals appointed to grant these licences should see the venue is actually undertaking its responsibilities by providing entertainment. The theatre licence was abused by many venues to just serve alcohol until late. There would have to be more rigid control of that if it was reintroduced for late-night venues. This is why it needs more personnel working on it. One judge and a garda cannot keep on top of all this. That is another reason we need more people working on this.

We have already seen the example of a multi-use space. Central Arts Waterford is an example of it. On another level, Bodytonic, even before The Bernard Shaw, created the prototype with the Twisted Pepper. It is now working on a larger scale with Jam Park, along with District 8, the event promoter. They are putting on all types of daytime, evening-time and night-time events. Again, they are restricted and they need a separate type of licence under which they can operate. Otherwise, they could close as well.

Councils need to protect our spaces as well. The Tivoli Theatre was bulldozed. It was an important cultural space in Dublin for many communities and generations. It was thriving but it was knocked down. The amount of potential that place had was incredible. We talk much about artist studios. Upstairs in the Tivoli there was much space. Somebody with a bit of vision could have done something to it. I understand the owner's reasons for wanting to sell and I know councils are short of money and cannot necessarily throw it away on venues. Maybe we need to think about this before we allow these places to be bulldozed as easily as they are.

Chairman: Is there anything with zoning or city development plans that needs to be changed?

Mr. Sunil Sharpe: Zoning needs to be looked at as it seems to be a little bit of a mess in terms of nightlife. In Dublin, large parts of the city centre do not have nightlife in them any-

more. O'Connell Street needs a lot of work. Little happens on that side of the city other than in a few small places. I would love to know what is happening with the Ambassador Theatre, for instance.

Mr. Robbie Kitt: Take Dublin Docklands and where Google's offices are situated, that is a whole area of the city which after certain hours is a ghost town. One can walk around these areas and see all this office space going completely unused. There are many residents there. One is looking at a space in the city which is completely inefficiently used. It only has a day-time purpose. There are parts of the city that are not being put to use at certain times. That is something that could be examined from a zoning perspective.

Mr. James Finan: To address one of the points about employment, one of the figures we have is an estimate of 200,000 people in hospitality. At our venue, we employ 113 people, most of whom are part-time workers and students. I got into the industry via a part-time job. It gives opportunities to many people who, unfortunately, need to work while studying. It provides convenient, non-full-time hours for them to sustain the high cost of accommodation associated with going to college. Four or five venues in Galway have closed since I was in college, and the opportunities for part-time jobs they provided are no more.

Chairman: I thank Mr. Finan. Does Ms Laura O'Connell wish to add something?

Ms Laura O'Connell: In terms of licensing, an annual fee for venues to stay open later would be more sustainable than the current system.

Chairman: That is a useful suggestion. I thank Ms Laura O'Connell. Does Central Arts Waterford have anything to add?

Ms Ciara O'Connell: We employ two people full time, so that is all I can say about the subject of employment. We do a summer-long festival called Summer in the City, which Waterford City and County Council provides the funding for, where we employ up to 80 people every weekend. It is an arts and music festival that we have tried to grow slowly over the years. Sometimes, things can start but be gone within a year if they are not successful. We need to consider a more sustainable approach to the arts and culture that gives them the opportunity to grow and thrive.

Our council has been wonderful to us. We rent our property privately at €15,000 per year and get €10,000 in funding from the council, but that is the only funding that Central Arts gets. We have not been able to access any funding from the Arts Council despite trying numerous times. There is a commonly held belief that Arts Council funding does not trickle down past the capital and, if it does, it is to much more established venues. For young venues like ours, which has only been going for six years, it is like hitting a brick wall. We might be told to prove ourselves, but even if one proves oneself time and again, it is difficult to get national funding.

Our local arts officers and arts officers nationally have been meeting over the issue of insurance. Festivals are finding it more difficult to get insurance. The festival culture is starting to die off. It is in a tenuous position. We are at risk of losing some of our smaller cultural hubs and offerings. If we do not protect them, they will be gone.

Chairman: Before Mr. Finan responds further, other witnesses addressed the issue of numbers. He might know something in that regard.

Mr. James Finan: No insurance company in this country will underwrite our business. We

have to go to the UK for insurance. The cost is close to €250,000.

Chairman: There was another question. It may not be possible to determine, but do the witnesses have any sense of how many people are working in the nightclub industry?

Mr. Sunil Sharpe: Not at the moment. There were certain studies, the last of which was undertaken by the Irish Nightclub Industry Association in 2009. I was at the launch. Dr. Constantin Gurdgiev wrote it. Another was written by a gentleman from DIT Bolton Street, but there has not been a study or an accurate update in a while.

Senator Fintan Warfield: The figure was 4,500 in 2008. The Irish Music Rights Organisation, IMRO, puts employment in the music industry at approximately 13,000. There is wider arts sector employment, the numbers on which the Arts Council has. I just cannot get my hands on them right now.

Senator Marie-Louise O'Donnell: I cannot hear what Senator Warfield is saying.

Senator Fintan Warfield: The Senator is better off.

Chairman: On that note, I thank the witnesses. Táimid fíor buíoch dóibh. This meeting has been a useful opportunity for them to articulate to us, the Departments, the local authorities and the public. We intend to build on this and it will form part of a report that will be published and sent to the Departments. That report will contain recommendations. Did Mr. Sharpe wish to contribute briefly?

Mr. Sunil Sharpe: I wish to make an important point. Although this is about night culture, we should always remember that a night venue lost is a daytime space lost as well. The penny is dropping with the wider cultural and arts community that it affects us all. We thank the committee for having us. We appreciate it.

Chairman: That is a good point. We will suspend to allow our other guests to take their seats.

Sitting suspended at 3.05 p.m. and resumed at 3.10 p.m.

Chairman: I welcome the speakers for the second session, namely, Mr. Ray Yeates, city arts officer, Mr. John O'Hara, city planner and Ms Mary McSweeney, senior executive officer, deputy head of enterprise and economic development from Dublin City Council, and Ms Martina Colville assistant secretary, head of civil legislation at the Department of Justice and Equality.

Before I ask the witnesses to address the meeting, I draw their attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, 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.

I also advise them that their opening statements and any documents that they have submitted to the committee may be published on the committee website after this meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I ask those making opening statements to keep them to about five minutes. The presentations have been circulated to members and will be available online after the meeting. I invite Mr. Ray Yeates, city arts officer to make his presentation.

Mr. Ray Yeates: Gabhaim buíochas leis an gCathaoirleach. Tá áthas orm a bheith anseo chun déileáil leis an ábhar tábhachtach seo. Like any city official I have two roles, one is developmental, the other statutory. While we want to encourage everything that people want to do in the city, culturally, artistically and economically, we have to be guided by our statutory responsibilities and that tension will recur in the presentation. The Minister of Culture, Heritage and the Gaeltacht, Deputy Madigan, convened a workshop of stakeholders to examine the area of the night-time economy. Representatives of the arts office and economic development sections represented Dublin City Council. We have stayed in touch with the relevant Government officials on this matter.

As the first impressive presentations mentioned, the night-time economy refers to social, cultural and economic activity occurring between specified night-time hours. For example, in London this is between 6 p.m. and 6 a.m., the broadest definition of any city we have studied so far. We need to start by understanding Dublin's economy at night and replacing myths and perceptions of night time in the city. A tremendous amount of the things we have to deal with on the council are anecdotal rather than evidence-based and that is probably the theme of what we will say today. We want to replace those anecdotal perceptions with evidence of how Dubliners and visitors use the city at night. This would highlight the opportunities and indeed the threats or pitfalls involved in further developing a night-time economy. However, at present there is little in the way of research or information on Dublin in this area. What we can do is look to the experience of other cities, and in particular London where the Independent Night Time Commission has carried out extensive research, for some insights.

The Mayor of London appointed the independent Night Time Commission, NTC, in October 2017 to provide advice to the Mayor, support their night-time tsar in dealing with London's night-time economy, and ultimately help realise a vision of the city as a 24-hour city. It has commissioned extensive quantitative and qualitative research to gather a strong evidence base to inform its work. One of the things it found is that partnership with local authorities, businesses and residents is crucial to creating a successful night-time culture which benefits residents, businesses and visitors. What is being sought by various stakeholders is an innovation in the work of the city. This is going to require a balanced navigation by the officials, interagency, national and local, with residents, taxpayers and ratepayers

Research estimates that a third of all workers in London work evenings and nights, including health professionals, emergency services, office workers, technicians and drivers. This rises to 50% of all workers in the cultural and hospitality sectors. However, London research found that many of the workers in the night-time economy are low paid. As of quarter 2 2019, Dublin had a total of 717,000 workers, 56,000 of whom were employed in accommodation and food services activities. If we were to extrapolate London's experience, and this would be a very rough guide, this implies that about a quarter of a million people work in Dublin between 6 p.m. and 6 a.m., with about 10% of these employed in hospitality. To establish these numbers for Dublin further research would need to be carried out.

We also know that average hourly wages in the accommodation and food service and the arts and entertainment sectors are lower than the overall average. Hospitality workers earn around 56% of average hourly earnings while culture workers earn about 80%. As in London, evidence shows that the existing night-time economy in Dublin is concentrated in the lower-paid sectors. That is an important social point.

In terms of transport, night tubes, trains and buses, there is very little available in Dublin at that time. This has been well described in earlier presentations. There are limited public transport options for those enjoying and-or working in the city at night who are reliant on own transport or taxis. Little is known about the levels of demand for being active at night in Dublin and indeed, what the barriers are to enjoying a night out in the city. Are they cost, lack of choice, early closing hours or lack of venue? Without information on the demand-side dynamics, formulating policy or strategy is hampered. We are now in the area of formulating policy which is a long and painstaking process. Getting a very quick fix could produce a lot of unintended consequences, no matter how much good will is involved. On the supply side, the most documented issues facing venue operators are primarily related to licensing restrictions. There are many other challenges from a city's point of view, limitations in the transport, safety concerns and night working conditions all require careful consideration by a wide range of stakeholders.

From the arts office point of view, and for me as city arts officer, it would appear that audiences at cultural events ending at 10.30 p.m. and particularly visitors to Dublin have very few options after 11 p.m. This provides many opportunities for the arts community to extend their activities beyond 11 p.m. that could be beneficial to audiences and businesses alike, subject to economic viability. In addition, much like during the day, where there are clusters of cultural venues, there could be opportunities for retail. We might pause and reflect on the relationship between venue availability and night-time culture and day-time culture. I receive phone calls and emails daily dealing with the absence of cultural venues or the demand for them in Dublin. Just as the housing crisis took ten years to develop, the cultural venue crisis has taken just as long and probably will take half or just as long to remedy. This cannot be fixed in a short period. We will have to build venues and transfer certain unused buildings into cultural use. We cannot, for example in the case of the Tivoli, interfere with the rights of a private property owner and cut across their ability to sell their venue. That is a very difficult thing for government to do, given our laws.

A recent Your Dublin Your Voice survey carried out by Dublin City Council found that the George's Street vicinity had risen in popularity to become the second most popular shopping district, albeit during the day, due to its vibrant mixed offering of retail and entertainment. However, that same survey identified in open questions that the two most important factors when it came to shopping were range and value. Longer opening hours did not feature either as an influencing factor or as suggested improvement. Dublin City Council will carry out a further Your Dublin Your Voice survey to gather more information to gauge appetite and interest in the night-time economy

Research from earlier this year, again from London's Night Time Commission, found that making the most of underused spaces with exhibitions, live performance and pop-up markets could boost the high street. Indeed, we have seen the success of Culture Night, which is part of my office's responsibility but that is an annual programme of free events and so not directly comparable to opening night-time venues. It must be stressed that this is a new area of policy and expertise where Dublin City Council is in a learning mode. I recently attended, with my colleague, Mary McSweeney, the world cities culture summit, which was organised by the

World Cities Culture Forum, where 38 cities shared learning on all aspects of culture. There was a long session on the night-time economy. Several cities, notably London, but particularly Sydney, have been engaged in the development of the night-time economy for several years and they set out the priorities involved and the challenges they faced. As a first step in informing Dublin City Council, I have written to the cultural agencies I met at the conference seeking papers or research they engaged in.

In recognition of the potential of the night-time economy, the chief executive of Dublin City Council, Owen Keegan, received a request from Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, to set up a local committee for the consideration of night-time culture in Dublin City by 29 November. The night-time economy was discussed at length by the city council at a special meeting on 23 September. Based on London's experience, where an extensive period of research preceded the establishment of a stakeholder group, Dublin City Council decided that it was not possible to set up the committee within the timeframe suggested. It would be our preference to adopt a similar model commencing with research that should be carried out by relevant sectors and stakeholders in Dublin before setting up a committee.

Chairman: I thank Mr. Yeates. I understand Mr. O'Hara from Dublin City Council will also address the committee.

Mr. John O'Hara: I thank the Chairman for giving me the opportunity to speak to the committee. Planning in Dublin city is informed by the Dublin city development plan for the period 2016 to 2022 which is the statutory framework which guides physical development and land use in a sustainable manner. The plan contains a core strategy which is to provide for a vibrant mixed use environment in which people can live, work and participate in the cultural life of the city, while minimising the use of carbon based transport. The plan also emphasises the need for density quality and safe, active streets. In implementing the plan we work closely with other agencies to enhance walking, cycling and public transport infrastructure to serve the growing city, including the National Transport Authority and Transport Infrastructure Ireland in the case of the Luas lines, for example.

The population of the city between the canals grew from a low of 91,000 in 1996 to 142,000 in 2016 and continues to grow. We are pushing on with the development of the North Lotts in the docklands and Poolbeg West in the east docklands. Between them, these areas will add an extra population of 12,000 in the next five years in that part of the city. The work continues in attracting population into the city, in addition to what Mr. Yeates said about employment in the city, to further a policy of ensuring people can walk and cycle, as a first preference, and use public transport, as a second preference, as close to each other as possible. Culture is part of that mix. Paragraph 16.32 of the development plan recognises the importance of Dublin as a thriving and multi-dimensional capital city and the need to facilitate the concept of the 24-hour city, particularly in the city centre and key district centres. "Key district centres" is planning jargon for urban villages such as Rathmines and Phibsboro. The plan also states Dublin City Council will encourage entertainment, culture and music uses which help to create an exciting city for residents and tourists alike and are capable of attracting people in key employment sectors, including the high-tech sector. There is a need, therefore, to strike an appropriate balance between the role of these entertainment uses in the economy of the city and the following aspects: maintaining high quality retail functions on the primary city centre streets and ensuring a balanced mix of uses. There are vacant units above these shops, as well as in retail areas of the city.

We have a living city initiative which offers tax incentives to bring people into the city to

contribute to the vitality of its street life and make it a safer place and to protect the amenities of residents from an over-concentration of late night venues. However, we recognise that there are concentrations of such venues on George's Street, Camden Street and Harcourt Street as part of the city. Noise emanating from and at the boundaries of such establishments are issues that will need to be addressed in planning applications. There are measures to deal with issues such as noise insulation and reduction measures and, possibly, staggering the closing times of clubs. They all require to be considered within any planning application process. Currently, the development plan discourages superpubs to encourage smaller venues and pubs in the city. The concentration of superpubs will be restricted in certain areas of the city where there is a danger of over-concentration to the detriment of other uses.

The successful development of a night-time economy and cultural life requires a multi-faceted approach from the top down and the bottom up which will build on the character of Dublin. We do not necessarily want to replicate what is in place in other capital cities. As such, it cannot only be about relaxing drinking licensing hours, it must include other aspects such as appropriate night-time governance, a safe, active and tolerant public realm, a vibrant mix of residential and cultural uses, together with good public transport for all citizens, including night-time workers.

The city council will start a review of the city development plan in mid-2020. As part of the review, there will be an extensive consultation process which will include consultation on the night-time economy.

Chairman: I thank Mr. O'Hara. I invite Ms Colville from the Department of Justice and Equality to make her opening statement.

Ms Martina Colville: I thank the joint committee for its invitation to come before it. While the Department of Justice and Equality does not have a direct role in protecting and promoting a vibrant night-life, economy and culture, it is clear that there is a role for it in considering the licensing laws. My opening statement sets out in detail the provisions surrounding the licensing regime. With the Chairman's agreement and if it is useful, I do not propose to go through it in detail but to indicate the Minister's position.

Chairman: Will Ms Colville give a truncated version of the written statement? She might give us the headlines and the Minister's view or something like it.

Ms Martina Colville: Yes. From that perspective, the statutory provisions providing for the sale, supply and consumption of intoxicating liquor in licensed premises are set out in the Licensing Acts, 1833 to 2018. This body of legislation specifies the opening and closing hours of licensed premises. There are no specific provisions in the Acts for the operation of night-clubs, late bars and other late-night entertainment outlets. This means, for example, that in the absence of a specific nightclub licence or permit, nightclubs and late bars operate on the basis of the special exemption order mechanism referenced earlier in the meeting which allows, subject to conditions, for longer hours for licensed premises with on-licences, for example, a public house licence or hotel licence.

With regard to special exemption orders, section 5 of the Intoxicating Liquor Act 1927, as amended in several subsequent intoxicating liquor Acts, defines "special exemption order" as an order of the District Court exempting the holder of an on-licence from general licensing hour restrictions on special occasions. These occasions include dances held in a ballroom which is licensed under the Public Dance Halls Acts, 1935 to 2003, and forms part of the licensed

premises, in respect of which the special exemption order is being sought. The applicant for a special exemption order must serve on An Garda Síochána, not less than 48 hours before making the application, a notice of intention to apply for the order, setting out the applicant's name and address and the special occasion, the premises and the extended hours, in respect of which the order is being sought.

The District Court may make a special exemption order if it thinks fit to do so, having heard the officer of An Garda Síochána, for the licensing area concerned and having taken account of other relevant conditions. The court fee for each application for a special exemption order is €300, as prescribed in the District Court (Fees) Order. An excise duty of €110 per application is also payable to the Revenue Commissioners. In 2018 approximately 42,000 licensing applications were made to the District Court, of which over 80% were applications for special exemption orders. The revenues obtained are used to defray the cost of operating the system and contribute to the funding of Garda policing activity associated with the prevention of public disorder and related anti-social activity following late-night events.

Under current law, a special exemption order expires on any Monday that is not a public holiday at 1 a.m. or, in any other case, 2.30 a.m., unless the District Court, for stated reasons, including any reason related to the need to maintain public order, considers it expedient to grant the order for a shorter period. Drinking up time of 30 minutes is permitted on expiry of the special exemption order at 2.30 a.m., or at an earlier time if the District Court has exercised its discretion, but no dancing or entertainment is permitted during this further 30-minute period.

The granting of discretion to the District Court in respect of the expiry time of special exemption orders is a necessary safeguard that allows the court to take account of any Garda objection arising from previous instances of disorder or disturbances in or at the premises concerned. It also allows the court to take due account of any objection from local residents arising from instances of undue inconvenience or nuisance such as noise or car parking on private property in the area. The task of the court in such cases is to seek to balance the respective rights of all of the concerned parties. The expiry times for special exemption orders were last adjusted in the Intoxicating Liquor Act 2000. Many of the reforms enacted at the time were based on recommendations which had been made by a sub-committee of the then Joint Committee on Justice, Equality and Women's Rights in its report entitled, *A Review of Liquor Licensing*. On the shorter duration of special exemption orders for Sunday night-Monday morning, the subcommittee recommended that there should be no change to the existing law, that is Sunday night special exemptions orders should expire at 1 a.m. on Monday mornings. That remains the current position in law.

The Intoxicating Liquor Act 2003 introduced a new provision that confers a role on local authorities concerning the expiry time of special exemption orders. It provides that a local authority may, following consultations with the Garda and other relevant persons, adopt a resolution concerning earlier expiry times for special exemption orders within the whole or a specified part of its administrative area. The District Court is required to have regard to any such resolution before making a special exemption order for any premises within the area concerned. A resolution to extend expiry times beyond the statutory limits is not permitted. While this provision was intended primarily to empower local authorities to take account of the concerns of local residents in areas that might be adversely affected by inconvenience or nuisance, or increased risks to public order, the extent to which local authorities have used it is unknown to the Department.

Further statutory changes were introduced in the Intoxicating Liquor Act 2008 in order to

improve safety and security standards. In response to public concerns, this Act introduced a requirement for a closed circuit television system in certain cases, and a requirement that persons providing a security service as a door supervisor be the holder of a current licence issued by the private security authority under the Private Security Services Act 2004. The District Court must also be satisfied that the premises concerned complies with fire safety standards under the Building Control Act 1990.

As regards any future reforms, including any changes that this joint committee may consider desirable in the context of protecting and promoting vibrant nightlife, economy and culture, the Minister for Justice and Equality has outlined his views on such a possibility in response to a number of parliamentary questions on the subject earlier this year. While stating that he is, in principle, in favour of enhancements to current arrangements, he does not have immediate plans to amend the law in this area. Indeed, any such changes to the law would require proper consultation with relevant stakeholders, including representative bodies, groups representing local residents, the local authorities and the Garda Síochána.

The Minister said that he is mindful that any change would need to be organised and managed in a manner that will not cause undue inconvenience or nuisance to local residents nor create an undue risk to public order. Moreover, any proposed changes would also need to have regard to the preservation of a fair competitive environment for competing businesses.

Chairman: Does Ms Colville want to add to her presentation?

Ms Martina Colville: The Minister would be very keen to have consultation. I note that the earlier parties were amenable to the idea and it seems to me to be a reasonable approach.

Senator Marie-Louise O'Donnell: I wish to ask the witnesses some questions and shall start with general questions for Mr. Yeates, whom I know well. I have worked with him in the past and know him to be an excellent purveyor of the arts. Was he frustrated in having to wear one hat here when his passion is under another hat? Did the situation frustrate him greatly? I got the impression that he was massively frustrated from what he said because he wanted things to move on but was caught in a thousand different ways.

I ask Mr. Yeates to outline for me three threats and three pitfalls as I did not find out what they were from the generalised comments.

Is anybody who has a partnership with a local authority doing just what our previous speakers would like to be seen done in a village or town? Is there any local authority that has surpassed itself?

Why is the research not ongoing now? Why are we waiting to think about the research? Are we thinking about it? I know there was some in 2008. Is there anything that is ongoing now? Where is the result? When can we expect the result? When I hear the phrase “we have a policy and research” I know there is an impasse and nothing is going to happen. Why have we not found out more readily before now? We have kicked this matter around now for a good few years, and kicked around the whole matter of the inner city and the development of the city.

I understand what was said about the Tivoli Theatre. I mean if somebody who owns the theatre and the land wants to sell it we cannot come in and say, “look at me, I am dancing”. Where was the county council with its money? The millennium clock cost €870,000, I think. The clock was supposed to count us down to the year 2000 but it sank in the River Liffey. Was there no funding to enable the county council to have a conversation about preserving the Tivoli? We

should have learned a lesson from the Metropole Cinema, which became British Home Stores displaying brassieres and knickers in its windows.

Can Mr. Yeates explain what was meant by the following? He said that Mr. Keegan was told by the Minister for Culture, Heritage and the Gaeltacht, Josepha Madigan - well done, Minister - to set up a local committee for the consideration of night time culture in Dublin city by 29 November but Dublin City Council decided, due to a lack of research or however it decided, that it was not possible to set up the committee within the timeframe suggested. I no more believe that than I believe I am going to paint this room. I ask Mr. Yeates to talk to me about the matter.

I thank Mr. O'Hara, city planner for Dublin City Council, for his attendance. One of the issues that he discussed was the discouragement of superpubs. About an hour ago I talked about Wetherspoons that has taken over a big quarter here in Dublin. We seem to be contradicting what he talked about in planning. I do not know how Wetherspoons got planning since we are against superpubs and I am sure it is the biggest, super duper pub one can find.

Mr. O'Hara said that the Dublin City Council was in learning mode. We are beyond that and must have talent. If the people on Dublin City Council do not have the talent then they should not be there. For some of the people I met earlier, it might do them justice to stand because they seem to have far more talent than what is on the city council if it is in learning mode.

Mr. O'Hara also said that we do not want to replicate other capital cities. Will he outline the capital cities that we do not want to replicate? What is it about them that we do not like? Does he have a capital city in mind that we do want to replicate? I have a few suggestions.

I thank Ms Colville for being here. I know she had to go through all of the legality that certainly sent me to sleep but I understand that she had to do so. I wish to refer to the last two paragraphs where she said that the Minister for Justice and Equality is open to consultation. Being open to consultation and having a consultation are two different things. The phrase "he does not have immediate plans to amend the law" worries me greatly. Were the five or six earlier speakers wasting their time? I need a serious answer because we may be wasting our time trying to change legislation, which is the way to go to get them out of the milieu that solidifies them into licensing laws and insurance laws that they have nothing to do with. I ask Ms Colville to address that matter and maybe leave us with something positive that the earlier speakers might be able to work around and take up.

Mr. Ray Yeates: The Senator asked me six questions in total. I reciprocate my admiration for her and her efforts in the area of culture over the years.

The Senator's question was slightly personal. She asked if I am frustrated by my position here. Not at all. Working as a city official means one works in reality and not aspiration. The area of cultural venues, for example, have been very successful. Let me say to these people that they are not wasting their time at all because the lobby group for the visual arts around artist work spaces has been particularly successful. It has lobbied at every opportunity and has elected members speaking for it. It has spoken a lot in the community of public participation network, PPN. Its representatives come into my office quite a lot and developed partnership. We have started feasibility studies under the European Regional Development Fund, ERDF, for two sites in Dublin 8 and are looking at two major buildings to bring into cultural use. It is hard, not frustrating, because reality is hard. We can say we want something. However, desire means ones does not have it. How does one get it? It is the practical aspect in which city officials are involved. It is actually doing it, not just talking about it. I am not frustrated because

I am in the place, along with planners and economic development planners, where we can work to produce results. That is not frustrating at all.

As regards three threats and three pitfalls, there will be objections to every innovation. By definition, as soon one makes a proposition of something new, one could have residents object to a cultural venue or a lack of balance in the market. We have to deal with those objections. These are not objections with which the proposers will have to deal. We will have to give proper answers, do them under the law and answer solicitors' letters. It is not that we are not positive about increasing or enhancing cultural life. The question is how we do it, not why we do it. Those are the big pitfalls.

Gaining the partnership of the officials involved is important. Rather than all of us hanging around, doing nothing only trying to obstruct, it is quite the opposite. As regards partnership with local authorities, the whole idea of boosting the night-time economy is not big on my radar. Lack of cultural venues and artists' workspaces is at the centre of my radar. I work on that every day. How to develop the night-time economy has been brought forward successfully by the lobby. Now it is time to respond to that as all local authorities must.

Why are we not doing the research now? It is because we were not doing it before. It is only now that we are getting into the idea of doing this. Speaking from my office's point of view, we were not moving in the area of the night-time economy. When I was younger, shows would begin in the Peacock Theatre 11:15 p.m. They fell out of use, however. It was not just because of licensing but because of transport, demand and other issues. I would love to see cultural venues open and working but only if it works for everybody. If it does not, it will be opposed.

The Tivoli Theatre was interesting and I produced many shows there in previous careers. Nobody is talking about the venues which opened as well. There are venues such as the Complex Arts Centre and Smock Alley.

Senator Marie-Louise O'Donnell: I raised it because it was mentioned.

Mr. Ray Yeates: I am not saying that it is good. I am just saying there is some good news and not just bad news.

Regarding the Dublin City Council chief executive wanting to set up the committee for the consideration of night-time culture, we could set up a committee in which we just talk to each other. However, we would still have to commission research. That is the reasonable position that we are trying to take up. It is not to block this. If we have good data, we can actually get people like the planning department to pay attention.

Mr. John O'Hara: With regard to super pubs, I do not want to mention any particular pub. Our primary philosophy is to encourage mixed-use in the city. When we receive a planning application for a public house, such as the one referred to by the Senator, we look at the restoration of the street, the upper floors and protected structures in the area. Several of those boxes are ticked with regard to that. In the overall balance, we must consider that, on some occasions, a large pub, as a part of the overall mix of improving an area, is acceptable.

The development plan does not state large pubs are refused in every case. They are refused where there is an overconcentration to the extent that they are deleterious to the area. That has to be taken into consideration as well.

With regard to city council and learning mode, we are in learning mode all the time. It

would be bold and brash of us to say we know the answer to everything. We have looked at places like Sydney, London, Lisbon and other European cities. We are beginning to collect the evidence at their experiences, good and bad. In my reading of the experience of London, that has been a two-year project of learning. As Mr. Ray Yeates said, it would be wrong to jump to an instant solution, particularly when we have heard good points that merit investigation and discussion.

On the third point about why we do not replicate other capital cities, the point I was making is that Dublin has a unique character. We do not want to become, as far as possible, a globalised type of city with the same product such as coffee shops.

Senator Marie-Louise O'Donnell: We are, however.

Mr. John O'Hara: We are trying to protect the character of the city. We have a certain character and culture. While we are willing to learn from other cities, it is not to replicate them. That was the point I was making.

Ms Martina Colville: I understand that the term “no immediate plans” suggests we are not willing. That is certainly not the case. The Minister would not be keen to change the licensing laws unless it was in a structured and managed approach. Rather than tweaking the existing laws, as was said by earlier speakers, the Minister would be open to a structured approach, through consultation, to changing the licensing laws that could cover some of the aspects raised today. The consultation piece, however, where one could get the views of the multiple interests and stakeholders would be important. There is a range of interests across the area. The wonderful thing about diversity of culture also means that there are many different approaches and different ways of looking at it.

Senator Marie-Louise O'Donnell: I worked in the arts most of my life. I am not outside reality, neither do I think the arts are outside reality. If one went to “Death of a Salesman” one would know where reality is and where we have got it wrong. I am urgent about it because one has a start with a passion and urgency. I know Mr. Ray Yeates has both. My question to him was whether he is trying to walk both those lines. I understand that but maybe my passion would come first.

I think this is somewhat vacuous. I am not a great believer in thousands of committees because it is an excuse for not getting things done. However, there is a moment of communication about it with stakeholders, young people and young vibrant communities. These are urgent. I am not saying Mr. Ray Yeates is not doing that individually. There would be a moment where even a sub-committee of three or four people could act as a conduit. The fact that they just did not do it is not good enough.

Maybe it was phrased incorrectly but Mr. John O'Hara said there are certain things in cities he does not want to replicate. He is right about that. We want to bring our uniqueness to the fore. There is no comparison between London and Dublin. We are 1.4 million people, for example. However, we have homogenised the worst of American culture, as well as the worst of awfulness from other buildings, and have not preserved as well as we should. Maybe we are learning now but we have not in the past. We have been disappointing in our main streets and thoroughfares. I have done much research on this for radio and TV, so I know what I am talking about. We have also done it in our towns and villages. I am not suggesting it is happening just in Dublin.

We are aghast sometimes when we have preserved something well. We do much right but we are not here to praise ourselves but to find better ways forward. We could be more definite in our moments of Joyce and I do not mean that particular building which has been in the news recently. I mean it in preserving a sense of ourselves. We are quick to come with the hammer and we do not even paint our towns. I understand Mr. John O'Hara's point generally. If one is in Barcelona and certain other cities, things are magnificently preserved compared to the greatness we have that we do not. I will not get into cycle lanes. I thank Mr. Yeates and the assistant secretary. I will keep him to his word.

Chairman: There were a number of observations. Does Mr. Yeates want to answer a specific question?

Mr. Ray Yeates: I think the Senator may be equating the reluctance to form the committee with a lack of a wish to engage. I will take stakeholders' emails before I leave today, contact them and work within the council along with everybody to learn more. There is nothing wrong with us meeting. I assure the Senator that their voices will be heard.

Senator Marie-Louise O'Donnell: That is good to know. I know Mr. Yeates is a man of his word.

Senator Fintan Warfield: I welcome the commitment from the representative of Dublin City Council to having a meeting. It would be welcome, were the Department of Justice and Equality to make that commitment too, if possible. I understand that if I bring forward a proposal, it will have various sometimes unintended consequences. I am concerned about something Mr. Yeates just said about having to deal with it. I hope that is not to suggest that the people who promote and organise nights, events and the creativity of our city do not take those into account as well. Ms Colville has gone through a whole host of requirements that someone has to go through to organise a night event, taking into account residents' concerns and paying the fee for An Garda Síochána to police the city that night. It must be the first time I have ever seen ring-fenced funding in this regard in Ireland. I hope it was not to suggest that others do not have to deal with those issues too.

I was a bit concerned about what Ms Colville said from the outset to the effect that the arts are not her remit. We hear time and again that Creative Ireland is an whole-of-government initiative. Has Ms Colville or has the Department met Creative Ireland in respect of licensing laws? The Department has a remit over something crucial to the culture of this island. It is important that we acknowledge the Department's impact on the arts.

Ms Martina Colville: We have not but I am open to a meeting. I am happy to meet any group about the legislation.

Senator Fintan Warfield: Does Mr. Yeates think that Dublin has a vibrant night scene? Who monitors that for his office?

Mr. Ray Yeates: As I said in my presentation, after 11 p.m., I do not think we have a vibrant night scene at all. I think there is a lot of opportunity here. That is why I would be careful about how we go about it. If there is great potential for something, we must be careful about how it is set up. As somebody who has run many events and whose background is in venue management, I was not at all saying that people who run events and venues do not have to deal with all of these objections and difficulties. I was talking about the area of policy formulation. The first thing one has to deal with is many clichéd responses about alcohol, public order and other

matters that people spoke about. We are still in the early days in the development of this policy. There is much socialisation to be done with people outside of the culture area. Most of my job involves talking about the arts with people outside the arts. People feel it is quite exclusive and that they do not get access to the arts. It takes a while to socialise an idea such as opening up the city until 3 a.m. or 6 a.m. It will take quite a lot of time and understanding on the part of all the stakeholders. That is what I was talking about. The council would be quite involved in dealing with that communication.

Senator Fintan Warfield: People have been working on this for ten, 20 or 30 years, and have spent all their lives lobbying about this issue. It can be a bit disappointing to hear the council is just starting now.

Senator Marie-Louise O'Donnell: Senator Warfield has got the witnesses there.

Senator Fintan Warfield: Hotels are a current issue. It is always a matter of hotels versus clubs. I do not know all the clubs around Dublin. One club I used to go to in the past, near Dame Street, has closed and will open as a hotel. Does Dublin City Council know how many clubs, which essentially are entertainment art spaces, have closed and been turned into hotels?

Mr. John O'Hara: We are looking into this with regard to the review of the new development plan. In the past three years, we have granted permission for 30 to 32 new hotels in the city. Of those hotels, the majority are on brownfield sites or sites that have been vacant for a generation or more. An aparthotel is planned for the Tivoli Theatre site. Andrews Lane Theatre is closed and I think a hotel is proposed for that site. The vast majority of the 30 or 32 hotels have been on brownfield sites. Hotels bring in visitors to the city. Each hotel of 200 beds generates nearly 100 jobs. The hotel fills brownfield and vacant land in the city, brings jobs to the city and brings visitors to the city. I am sure that after those visitors go to the sights during the day and have a meal or go to the theatre, they want to experience night time as well. We would fully support a night-time economy that creates that virtuous circle of bringing more visitors to the city to experience it, while using the hotels. It is not a matter of hotels being bad and culture being good. As I said in my presentation, at all times, we pursue a mixed-use philosophy for the city but what we have to try to explore all the time is how that mix of uses interrelates to the mutual benefit of one another. Hotels and cultural life are a part of that.

Senator Fintan Warfield: Do we know who those hotels are accommodating? We have 32 new hotels in Dublin. Fáilte Ireland reckons that Dublin is the gateway to Ireland. Are those 32 hotels targeting the tourist market? Are they visitors who will stay for a long time? Are they visitors who will leave Dublin? Are they businesspeople on short-term visits? Will they really visit the city and contribute towards the culture?

Mr. John O'Hara: I do not have the answer to that. I know Fáilte Ireland has done research into the type of visitors that the hotels bring to the city. We can certainly find that information for the Senator. In a broad response, my feeling is that the hotels attract a huge variety of people. Our civic offices are just across from one and, anecdotally, we can see the range of tourists in the street, including American retired tourists and young German tourists. There is a great variety of tourists in the city with regard to age group, social class and their search for experiences.

Senator Fintan Warfield: It seems strange that we are told that tourism will take the biggest hit after Brexit no matter what kind of Brexit there is. It seems a strange business choice that 32 hotels want to open despite the concerns about Brexit. Is that because Dublin to London

is one of the busiest flight routes in the world? Are the hotels catering for tourists or business people?

The Minister, Deputy Madigan, asked the council to establish a local committee to consider night time culture in Dublin city. It was not established in the timeframe mentioned. When will it be established?

Mr. Ray Yeates: That is a matter for the CEO to decide based on our report to him on these proceedings, how we engage with the various stakeholders and the level of our research. We will make a proposal to him and it is hoped that he will establish it as soon as possible.

Senator Fintan Warfield: Does Mr. Yeates support the Minister's call? Is it a good idea?

Mr. Ray Yeates: It is a great idea to begin putting the appropriate structure in place as quickly as possible to investigate how we can improve the night time economy in Dublin. All of the officials present are in favour of that. Our caution stems from making it work within the system, rather than simply imposing something. We could have a committee that did not function very well. We want the committee to be energetic and we are reticent about rushing into its establishment. We want to build something that will work.

Senator Fintan Warfield: It is clear that the Minister is of the view that there should be a consultation. When does Ms Colville envisage that taking place?

Ms Martina Colville: We will try to facilitate it in the first quarter of 2020. I would like to discuss it with the Minister and provide the views of the committee and the witnesses who appeared in the first session. That is something we could look at.

Senator Fintan Warfield: How long will the consultation take?

Ms Martina Colville: I am committing to trying to establish it for the first quarter of 2020. We need to consider the logistics of how it should be set up. As I indicated, there are diverse views on this area and there will be a significant amount of interest among stakeholder groupings in the consultation.

Senator Fintan Warfield: May I come back in if I have more questions?

Chairman: Yes. The Senator is finished his questions for the moment.

I presume that Ms Colville has discussed this matter with the Minister and the Department of Justice and Equality intends to have a consultation process on licensing legislation early next year.

Ms Martina Colville: As I said in my statement, the Minister is open to consultation on the licensing laws.

Chairman: Intending to do something and being open to doing something are not the same thing.

Ms Martina Colville: To be fair to the Minister, I have not informed him that I have committed to quarter 1 of 2020. I would like to be able to discuss the timeline with him. As head of the legislation section, I am open to doing that and will discuss the matter with him. He has indicated he is open to consultation.

Chairman: That is welcome. I might revert to Ms Colville on the legislation.

On local authorities, some of my questions might be a bit dry. I will direct them to Mr. O'Hara. Two of the three members present were members of local authorities and, at least, have minor experience of planning, zoning and so on. The development plan falls within the hierarchy of the national planning framework, regional plans and the city development plan. Leaving aside the night time economy, does the broader issue of cultural space feature in the regional planning framework under which Dublin City Council falls? Is that something the council must consider?

What is the general zoning for cultural spaces and night time venues? Are they zoned commercial or retail? Do we need to consider additional types of zoning such the city is broken down into local areas or wards, for example, whereby one can get a sense of which areas are well catered for, which have scope to grow and which could form cultural spaces? My first question relates to the existing zoning for cultural spaces and night time venues.

Mr. John O'Hara: The vast majority of night life activities in the city fall under Z5 zoning, which is a city centre zoning. The city centre zone is to promote a mix of uses with quality architecture, public domain and civic uses. It is the highest tier of mixed-use zoning. Pubs and nightclubs are permissible uses within it. There is no objection in principle to pubs, night time cultural activities or nightclubs within the Z5 city centre zoning. The concern arises on the detail of a planning application with regard to the specific location on a street, nearby residential amenities, the type of street and the proximity of similar uses. That is not to say that such activities or premises would be pepper potted around the city. As I stated, there are areas such as George's Street where the concentration is acceptable to us because of the synergies there.

Chairman: I also asked about the regional framework. The local zoning seems flexible, which is positive. However, does it restrict the ability of council planners to identify gaps in the provision of cultural space, for example? Does it restrict their ability to identify that the south west of the city is well catered for but the north east is not?

Mr. John O'Hara: It does not. We are working on local strategic development plans underneath the development plan. For example, there is a strategic development zone plan for the docklands and Poolbeg west. Through the public consultation process and together with Mr. Yeates's section, local councillors and local residents, we identified the need for 20 cultural spaces in the Poolbeg area, which are to be provided as part of the roll-out of that new residential neighbourhood of 3,500 homes. It is identified at local plan level underneath the development plan.

Chairman: Would the witnesses be open to the provision of adequate night time economy cultural spaces as an objective in a new city development plan?

Mr. John O'Hara: Yes, we would.

Chairman: I ask that that be considered.

Mr. John O'Hara: In the new year, we will begin the review of the next development plan, which will run from 2022 to 2028. We will consider the role of the night time economy and how we can finesse it. That may come under the remit of the committee that will be established.

Chairman: I was referring to its inclusion as a formal planning objective within the plan.

Mr. John O'Hara: To be clear, the development plan is made by elected members.

Chairman: I acknowledge that. However, they do not draft it.

Mr. John O'Hara: That is correct; I draft it. The Chair has my point. The councillors make the plan.

Chairman: Courts are busy and pressured places. It can be difficult to get a case heard. If one wishes to obtain a special exemption order, one must go to court on multiple occasions. One must also renew one's standing licence annually. Perhaps the Department of Justice and Equality might return to this issue. There was a proposal from Give Us The Night that involved a possible role for local authorities not in respect of the recurring standing licence but in respect of special exemption orders, extensions and late night openings. I know that the point was made by the Department that there was a role for the courts in seeking feedback on noise levels and anti-social behaviour, which is fair enough. We must take all of those factors into account in the considering the many uses of buildings, but are the local authorities not well placed to undertake that role? Do the delegates think there is merit in the proposal that the local authorities have a role in that regard. Will the officials from the Department also answer that question? Is there some role for the local authorities to play, with possibly a licensing committee?

Mr. John O'Hara: I know that the recent review in Sydney looked at integrating the planning and licensing systems to reduce bureaucracy. Again, we must drill down into the Irish experience to see how it would work. From our perspective, there is a slight difference in the licensing requirements which involve An Garda Síochána, etc. Our concerns about night-time activity arise in that context. They centre primarily on residential amenity. I am willing to explore areas in which there commonality and an overlap to reduce bureaucracy. The Department may have a different view, but we are willing to explore that issue with it.

Chairman: Does Mr. Yeates have an opinion on it?

Mr. Ray Yeates: What came to mind was that there was a busking licence process, not that it is comparable in content. However, there was a consultation process with the community in which people expressed various views on buskers, some of which were very positive, while some were very negative. The idea of a one-stop-shop is always a good one, but, again, I know how the local authority participates in court in giving a view, for example, on singing licences. The local authority officer gives a view, as does An Garda Síochána. Anything that would speed up the licensing process for anybody and decrease the level of bureaucracy is to be welcomed. The question concerns how it would work and whether it would fulfill the requirements of the law. That would require a great technical study to make sure the process would move swiftly. Of course, in principle, I would be in favour of it.

Chairman: Is it something to which the Department would be open?

Ms Martina Colville: Following consultation, work on the issue would involve trying to support the promotion of culture, including night-time culture. That brings us into the territory of what is different and what we could do under the existing system to make it more effective for those engaged in promoting culture.

Chairman: It could include potentially devolving responsibility for some matters from the courts to the local authorities.

Ms Martina Colville: Again, we would have to explore that issue. I do not want to give a glib or easy answer because it is quite complex, but I will be happy to discuss it with the local authorities. To be fair to earlier delegates, it was something they had suggested in the context

of a licensing board and the local authorities, but we would need to be able to explore it. The Courts Service would be delighted if somebody took pressure off the District Courts, but that would mean somebody else taking the pressure of the District Courts; therefore, we need to take an holistic approach. That is not to try to back up the issue into the next century. That is the reality, but we would certainly have to look at it in the context of other authorities to see what would be feasible, reasonable and effective.

Chairman: I have a final question for the Department. There has been a stakeholder forum with reference to the Department of Culture, Heritage and the Gaeltacht, representatives of which Department will appear before us soon. Has there been much contact between that Department and the Department of Justice and Equality or *vice versa* to date on this issue? The principles behind it might not be central to those that underpin the Department of Justice and Equality, but that Department operates a key lever.

Ms Martina Colville: There has been what I would describe as a preliminary meeting. Again, the Minister for Culture, Heritage and the Gaeltacht has suggested she will be engaging with the relevant Departments. Therefore, we will be part of that process.

Chairman: Therefore, the Department of Justice and Equality is of the view that there is more to come.

Ms Martina Colville: That is my expectation. I presume the Minister for Culture, Heritage and the Gaeltacht's officials will be in touch with us.

Chairman: Mr. Yeates has told us that the committee has not been set up because the research has not been carried out. I take it Dublin City Council is now beginning the process of carrying out the research. Perhaps Mr. Yeates answered the question and I missed the answer, but does he know when Dublin City Council might have the findings of the research?

Mr. Ray Yeates: What we are going to do will be quite quick. We will continue the desk research of the position in other cities of which we are only becoming aware to ascertain is what best practice. That work will definitely be done by the end of the year.

Chairman: Therefore, it will be in 2019.

Mr. Ray Yeates: Yes. As I said, it is a matter for the CEO. If he writes back to say he wants the research to be carried out, we can make the proposal and it will be up to him to decide.

Chairman: They are all of the questions I have for now.

Senator Fintan Warfield: For the purposes of the committee's report, will it be possible for the Department of Justice and Equality to send us a list of relevant items of legislation?

Ms Martina Colville: Sure.

Senator Fintan Warfield: Perhaps we might then-----

Senator Marie-Louise O'Donnell: Is the Senator finished?

Senator Fintan Warfield: Yes.

Senator Marie-Louise O'Donnell: Will Mr. Yeates tell me who made the decision not to go ahead with the committee, be it good, bad or indifferent, relevant or irrelevant, that the Minister for Culture, Heritage and the Gaeltacht said would be good to start with, although I am

sure she did not put a gun to anyone's head?

Mr. Ray Yeates: I think it is on record that the CEO wrote to the committee.

Senator Marie-Louise O'Donnell: Would Mr. Yeates have liked to have gone ahead with it?

Mr. Ray Yeates: I work for the CEO.

Senator Marie-Louise O'Donnell: Was Mr. Yeates surprised?

Mr. Ray Yeates: I was not aware of it until I read the papers before I came here today.

Senator Marie-Louise O'Donnell: Really. Worse again.

Mr. Ray Yeates: As I was on leave-----

Senator Marie-Louise O'Donnell: I am not putting Mr. Yeates on the spot. I just think it is a little unusual. Like Mr. Yeates, I am a great believer in keeping lines of communication open.

Chairman: This is difficult because it is partly anecdotal and partly sentiment. However, there is concern about the vibrancy of night life not only in Dublin but across the State. There is a feeling venues are closing and that after a certain hour, not much goes on in the city, that the offering is limited and that there is a lack of choice. It is fair to say there is a sentiment that it has made Dublin less attractive. Is Mr. Yeates aware of that concern and, if so, does he share it or any element of it? Does he have any response?

Mr. Ray Yeates: In doing so I might stray into the political arena, not just the official arena. I would, therefore, very definitely make a demarcation line. It is not simply a matter of venues. We are talking about the role and importance of the artist in the city. Traditionally, we have prided ourselves on being very welcoming. Our international reputation is based on our Nobel Prize winners, etc. When I was in New York last week, I met two people, one of whom had run the Seventh Avenue Playhouse, while the other had run the Perry Street Theatre, both of which had been closed owing to the excessive rents charged. This is not a new phenomenon worldwide. The absence of off-Broadway venues is significant for anybody who wants to put on a show in a venue with 100 to 190 seats. There is a value split because a culturally vibrant city will have great long-term and short-term economic value. These are values society must debate. It is not for a Dublin City Council official to set out what the right way is. People need housing. If one is discussing cultural venues, one is talking about people who are, perhaps, providing sites for housing. Everything has to be balanced and debated. There are no simple easy answers to what are complex questions.

With no offence to anybody, but the arts are thriving in Dublin. I was not asked for many meetings on the whole idea of extended hours until recently. That is not an anecdote but a fact. It needs to be built patiently. I accept that people were running venues for 20 to 30 years.

Senator Fintan Warfield: Mr. Yeates might have many meetings on extended hours. One should be careful what one wishes for.

Mr. Ray Yeates: I am not the slightest bit worried. I would go to 20 meetings and engage fully. I would work it through the system. I understand how it works. It is naive to think that in some way or other one can have this amazing quick win. Slowly but surely is how one builds something of long-term value. I would be concerned about having short-term wins

which would have unintended consequences which one would then have to unravel at some other time. One must work patiently, well and in partnership. It is also time for us to talk about the fact that artists cannot afford housing and are fleeing Dublin city. We cannot choose them as a grouping. Why would we not choose nurses or security workers? How would they build co-ops to provide housing? How do we work in completely different ways? We also have to debate within the system what will happen in the short, medium and long term. That is what we do with my colleagues involved in planning. As Mr. O'Hara pointed out, new artist workspaces are embedded in every new city development. It was a three-year piece of work, but it will be a three to five-year piece of work that will yield the results people will want to see.

Senator Marie-Louise O'Donnell: Perhaps that is the speech we should have heard.

Chairman: The committee is conscious that, undoubtedly, a lot of work has been put into this issue. We will have hearings, on foot of which there will be recommendations. We have had two sets of hearings today and will have representatives of the the Department before us next week. The committee, obviously, does not have an executive function. It is in place to make recommendations and influence local authorities, the Department of Justice and Equality and, in particular, the Department of Culture, Heritage and the Gaeltacht. I hope the report will succeed in doing so, although we are conscious that there are complexities involved in dealing with this issue. As a public representative, I know that there are instances where, if extended hours were applied in a particular place, people might have something to say about it. We have to achieve a framework in which this can occur. Some of it is related to planning and licensing. Once a framework is created, individual decisions can be made on a local or sectorial basis and so forth. We have an objective. It is clear when one steps back from it, that much of the legislation and the structures in place are antiquated and need to be reviewed.

I am grateful to the delegates for attending. It has been a useful session. I hope it has been productive, added to the conversation and helped to influence policy at national and local level.

The joint committee adjourned at 4.25 p.m. until 1.30 p.m. on Wednesday, 27 November 2019.