

# DÁIL ÉIREANN

---

**AN COMHCHOISTE UM DHLÍ AGUS CEART, COSAINT AGUS COMHIONANNAS**

**JOINT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY**

---

*Dé Máirt, 25 Márta 2014*

*Tuesday, 25 March 2014*

---

The Joint Committee met at 12.00 p.m.

---

MEMBERS PRESENT:

Deputy Marcella Corcoran Kennedy,	Senator Rónán Mullen,
Deputy Alan Farrell,	Senator Katherine Zappone.
Deputy Anne Ferris,	
Deputy Seán Kenny,	
Deputy Finian McGrath,	

In attendance: Deputy Robert Dowds and Senator Marie-Louise O'Donnell..

DEPUTY DAVID STANTON IN THE CHAIR.

## Public Order Offences from Alcohol Misuse Perspective: Discussion

**Chairman:** Apologies have been received from Deputies Niall Collins, Pádraig Mac Lochlainn and John Paul Phelan and Senators Ivana Bacik, Denis O'Donovan and Martin Conway. The purpose of today's meeting is a discussion with representatives from Alcohol Action Ireland and Professor Tim Stockwell in relation to a possible solutions-based approach to public order offences from an alcohol misuse perspective.

On behalf of the committee, I welcome Ms Suzanne Costello and Professor Joe Barry, Alcohol Action Ireland who are accompanied by Professor Tim Stockwell from the Centre for Addiction Research, British Columbia University of Victoria. In terms of format, we will commence with opening statements of approximately five minutes following which there will be a questions and answers session with members. I understand Ms Costello will be making the initial contribution and that we will then hear from Professor Stockwell. I remind members and witnesses to ensure their mobile phones are switched off as they interfere with the sound system even if on silent mode.

Before we commence I wish to remind people of the position regarding privilege. Witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if 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. Witnesses 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 comment on, criticise or make charges against a person or persons or an entity by name or in such a way as to make him or her identifiable. Members are reminded of the long-standing parliamentary practice or ruling of the Chair 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 now invite Ms Costello to make her opening statement.

**Ms Suzanne Costello:** On behalf of Alcohol Action Ireland, I thank the committee for the opportunity to meet with it today. We are at a critical juncture in terms of alcohol policy in Ireland. The public health (alcohol) Bill, which is currently being drafted, presents us with an opportunity to begin to address the huge burden of alcohol-related harm in our society, with crime chief among them. The harm experienced by the individual owing to his or her drinking is only part of the story of alcohol-related problems in Ireland. The debate on the impact of alcohol-related harm and the policy measures needed to address this harm needs to fully encompass the far-reaching negative effects of the drinking behaviours of people on their families and communities.

Alcohol plays a key role in crime and the type and severity of alcohol-related offences are wide-ranging, from inconvenience and disturbance to violent assault and manslaughter. This is in addition to those offences that are obviously alcohol-related, such as driving under the influence of alcohol. The role that alcohol plays in crime in Ireland is probably most evident to the public in terms of anti-social behaviour and public order offences, particularly at weekends, but its roots spread far wider and deeper than just the highly visible and audible late night incidents on streets throughout Ireland. It is also a key driver of domestic abuse, rape, sexual assaults and problems relating to child welfare. Alcohol has become such a common thread linking reports on crimes of every nature, from manslaughter to child neglect, that it seems many of us do not even recognise it as such any more. Just as we have accepted binge drinking and drunkenness

as the norm in Irish society, so too it seems we have accepted the huge burden of alcohol-fuelled crime that comes with it. It is clear that harmful alcohol use is not simply a matter of individual responsibility. The impact of alcohol-related crime and anti-social behaviour has a ripple effect, extending beyond those directly affected to impact on the entire community, including our perceptions of safety and security.

Members of the Garda Síochána deal with the fall-out of our harmful relationship with alcohol every day. Alcohol is the cause of or influences a huge number of offences and incidents with which gardaí deal, with this in turn putting a huge strain on already limited resources. The cost of alcohol-related crime to the State is an estimated €1.2 billion. This figure is almost a third of the estimated €3.7 billion annual cost of alcohol-related harm in Ireland. As well as the considerable direct costs to the criminal justice system in terms of policing, prison and the courts, there are many additional indirect costs, such as those to business in lost productivity and those specific to the victim. These costs can include injury and trauma-related costs, as well as costs related to property. In addition to the economic costs of alcohol-fuelled crime, it is crucial that we do not forget the human costs in terms of trauma and loss. The human impact can take its toll in the form of fear and anxiety, stress and intimidation, as well as the personal and financial cost of repairing damage, such as that caused by vandalism.

While the role of alcohol in a wide range of crimes has been extensively documented and evidenced, it is not a simple cause and effect relationship. Most people who drink alcohol in Ireland do not commit offences or become involved in anti-social or violent behaviour. However, what is clear is that alcohol consumption, particularly in large volumes, is a significant risk factor for criminal behaviour. As recently pointed out by Mr. Justice Paul Carney when reflecting on this issue, young men with no previous convictions, from good families take a quantity of drink they are not used to and end up the following morning facing responsibility for a homicide or a rape, and it seems to be a lottery as to which it is going to be.

Legislation, particularly random breath testing, strictly enforced by the Garda, was key to the success of the road safety measures which dramatically reduced drink driving offences and road deaths in Ireland. Strictly enforced legislation in regard to the sale and promotion of alcohol is precisely what is proposed by the Department of Health in the public health (alcohol) Bill. We hope that it will have a similarly positive impact on Irish society. Reducing our alcohol consumption through evidence-based policy measures that address the pricing, availability and marketing of alcohol, will also reduce alcohol-fuelled crime, making Ireland a safer place to live and significantly easing the financial pressure it places on the State.

**Chairman:** I thank Ms Costello for her presentation which focused on the crime and justice elements of the issue. I now call on Professor Stockwell to make his presentation.

**Professor Tim Stockwell:** I thank the Chairman. I meant to talk through these slides but I will skip through them because I know that time is of the essence. I have been invited to talk to the joint committee about Canadian alcohol policies. I may not sound Canadian but I have been living there and working at the University of Victoria for ten years. There is a large group of us there with interests in public health, safety and order, looking at the impact of pricing and other policies. Canada is one of the few countries in the world that has minimum pricing. Four years ago, we decided to look for the first time - no one had done this before - at what some of the impact was of this policy which is being actively considered in the British Isles, Ireland and some European countries as well.

Looking at the map of Canada, alcohol policy of this kind is determined provincially. We

have ten provinces and they all have some kind of minimum pricing, in some cases dating back to the 1920s. Generally, it was not introduced for reasons of health, safety or order but for purely financial ones. Minimum pricing is strongly supported by local industry groups because it gives a regulated, predictable market and protects profit margins.

Each province goes about this differently, which is good from a research viewpoint. We have access to good data. I will skip through the slide which gives four examples of minimum pricing to give committee members an idea of how this works. The simplest and probably the least effective kind has been introduced in the United Kingdom, which is not to allow alcohol to be sold below cost. One can still discount and not have any profit from it but one cannot give it away. That has limited effectiveness and does not really affect many products.

Some of the US states fix a minimum profit or mark-up whereby the distribution of alcohol is Government controlled. It is slightly more effective.

In Canada, we do not have minimum unit pricing, with one possible exception. It is mainly putting a floor price per litre of beverage. It would not matter if it was 74% strength *Captain Morgan* rum or a 2% beer; it would be the same minimum price per litre of drink. As it is the ethanol that does the harm from a public health, safety and order perspective, that is not very efficient.

Scotland is proposing to have a precise minimum price set for a unit of alcohol. That is important for whether people get too drunk and are more likely to commit offences or harm themselves through drinking too much over many years. That is just in legislation and we are awaiting the outcome of various legal processes and challenges.

As regards the rationale, scientists looking at this area have known for many years that pricing is the most effective policy when one compares all the different options for a range of problems, whether they are crime, health or harmful drinking patterns. It is hard for most people to believe that. I am well aware that when I make that statement, several members of the committee may say that is not right. They may ask how increasing the price could affect the drinking of a heavy drinker.

Systematic studies of the entire published literature on this subject indicate that, on average, a 10% increase in the price of alcohol leads to a 5% drop in consumption. That is also significant for the outcomes. In addition, price increases have a direct impact on health and crime outcomes. Minimum pricing is just one variation of it.

There are theoretical reasons, which I will touch on, that I think it should be more effective than pricing across the board because it is more targeted. There are a couple of reasons for that. One is that heavier drinkers and younger drinkers gravitate towards cheaper alcohol. Cheap alcohol therefore is a particular problem where harm and excessive patterns are concerned. Minimum pricing is setting a floor below which one cannot go.

We know from studies in Scandinavia that if one changes the price of a cheap drink, the response is much greater than if one changes the price of a more expensive drink. Putting those two things together, theoretically one should have a powerful variation.

I would like members of the joint committee to look at this slide which gives examples of some of the studies that have shown a relationship between changes in price or tax and deaths from alcohol. They could be violent deaths, poisonings or various liver diseases. This shows the numbers of alcohol-related deaths in Alaska over a 30 year period and the shock of two big

tax increases which reduced those deaths immediately. People think that drinkers will find substitute duty-free, home-made, non-beverage sources to compensate. If they did that, however, one would not get this effect because the net effect on harm is so significant.

I want to focus on some results and will move to the slide about research findings starting with the question of whether minimum pricing reduces consumption. I will cite some case studies, first of all from Saskatchewan, which is one of the prairie provinces. Saskatchewan is important-----

**Chairman:** Does Deputy Farrell want to ask a question?

**Deputy Alan Farrell:** I have a question about that slide because it is not immediately obvious to me.

**Professor Tim Stockwell:** Which one?

**Deputy Alan Farrell:** The slide which plots the tax increases from 1983 to 2003. I am looking at it on the computer so I do not know what page number it is. Does this graph take population increase into consideration?

**Professor Tim Stockwell:** This particular one just shows numbers of deaths.

**Deputy Alan Farrell:** It does not take population increase into consideration.

**Professor Tim Stockwell:** Not in this one. That is why it is going upwards, but the model is taking that into account because it is taking account of the increase in the numbers. The effects have nothing to do with the increase in population. It concerns a certain impact of those two moments when the taxes were increased. The numbers came right down even though the population is going up at that point. Therefore the model factors in the population increase.

**Deputy Alan Farrell:** Right.

**Professor Tim Stockwell:** That is an important point to clarify. Moving on to Saskatchewan, the importance of this particular case study is that, of all the provinces, Saskatchewan introduced minimum pricing closest to what has been proposed in Ireland and Scotland, which is minimum unit pricing. Overnight, on 1 April 2010, the province developed a comprehensive set of minimum prices for all alcoholic beverages. It increased the rate of that and applied it to the strength of each drink. Spirits had three strength categories, while beer had four and the higher the strength the higher the minimum price. It is not precise but it is as close as we have got in Canada.

I will now show committee members some of the results. The graph shows *per capita* sales of six different types of alcohol and total ethanol sales before and after the change. We did statistical analysis control for a lot of variation, but if one eyeballs this seasonally adjusted data, there is a sudden change in the pattern of results. Overnight, therefore, consumption patterns tended to go downwards and there was some switching between products. In fact, there was switching from high strength to low strength products.

I have summarised some results that were published in the *American Journal of Public Health* showing that overall consumption went down 8.4% for a 10% increase in minimum prices. That is describing the overall relationship. It was greater for off-licences than for bars, which one would expect because the minimum prices affect sales in off-licences more. I have already mentioned the shift from high to low strength beers and wines. Increased government

revenues and increased profits for the alcohol wholesalers were also evident in that case study.

What about harm? For Saskatchewan so far, I can cite only anecdotal reports from the police. A local police inspector reported that police calls per month related to intoxication or disturbances had halved since the introduction of minimum pricing. It seems to be obvious. These are good witnesses to public order problems on Friday and Saturday nights.

We have more objective data from British Columbia on crime outcomes. I will also show the committee some acute hospital admission data. These data are relevant to crime because the majority relate to injuries, including a disproportionate number of violent injuries, arising from motor vehicle accidents and so forth. Our objective was to identify patterns of change over an eight-year period, specifically the relationship between changes in the minimum alcohol price and the rates of acute hospital admissions, including those involving violent injuries. The overall relationship was significant, with the data showing that a 10% increase in price was, on average, associated with a 9% reduction in these types of hospital admissions. The data are a very good indicator of crime outcomes, because when people are injured they go and seek help. In general, crime data tend to be influenced by enforcement strategies, so these particular data are a good objective indicator.

We have another paper which is not yet published but the findings of which my co-authors have permitted me to share with the committee. This study was based on nine years of crime data across 89 local areas of British Columbia and used the same type of modelling. Taking account of economic variables, seasonal factors, demographic profiles and so on, we are finding large and significant impacts on correlated traffic offences, with an almost 20% reduction for a 10% increase in minimum alcohol price. The study involves large confidence intervals and we cannot say for sure that the reduction would be exactly 19.5%. It might be somewhere between 4% or 60%, but our statistical model is pointing to a relationship of that magnitude. The other issue to be clear about in considering these findings is that the minimum price did not actually increase by 10%. In fact, it was going up and down all the time; our concern was to describe the relationship between the price and this particular outcome. We found no significant impact on non-alcohol-related traffic accidents. This was nice because it was in accordance with how the data should behave if there is indeed an alcohol-specific effect. We also found significant impacts on property crimes and crimes of violence. As I said, those data remain to be published.

**Chairman:** I thank Professor Stockwell. Does Professor Barry wish to make a contribution?

**Professor Joe Barry:** In terms of the legislative agenda, the Government has published a strategy on alcohol which will require some legislative input. Price, which has already been discussed, and control of marketing are both important factors. The third issue is availability, which is very much within the justice domain. There are six recommendations in the report which are the responsibility of the Department of Justice and Equality and are, therefore, of interest to this committee.

Between 1999 and 2010, the number of spirits off-licences tripled, from 500 to 1,500. In then same period, the number of wine licences increased from 500 to 3,000, although wine is not so much associated with crime as are spirits. There has been a huge shift from pub drinking to drinking at home, with alcohol sourced in off-licences. The availability problem is huge and is interlinked with the points made by Ms Costello and Professor Stockwell. There was a vague aspiration ten years ago or so that the availability issue should be addressed, but what actually happened was the opposite. There was essentially no oversight or monitoring, for example, in

terms of how many off-licences might be appropriate, with the result that we are now oversupplied with such outlets. That is something on which the committee might have a view. People pre-loading on spirits is a cause of public order difficulties among young people in particular. This problem is particularly acute in the summertime, with people drinking in parks and other public spaces and causing great distress to fellow citizens.

As I said, there are six recommendations relating to the availability agenda that are specifically within the remit of the Department of Justice and Equality. In its communications with the Minister, the committee might consider engaging on these issues. Legislative action is required. Applications for off-licences will continue to be submitted, so we must have some official regulation.

**Chairman:** Thank you, Professor Barry.

**Deputy Alan Farrell:** I thank the delegates for their presentations and apologise for being a little late. My first question is for Professor Barry and relates to the availability of alcohol, particularly to younger people. I live two miles from Portmarnock beach, a beautiful place which has, unfortunately, been beset with problems. We all saw the clips on YouTube from the June bank holiday weekend last year, when, during a spell of particularly nice weather, a major incident took place at the beach which came to the attention of the Garda. It need hardly be said that alcohol and drugs were involved; it was one of those unfortunate things. One of the major factors in that incident, as pointed out to me by several gardai to whom I spoke privately, was that it was possible to walk from Portmarnock beach up the hill to the local supermarket and, on that particular weekend, buy a slab of beer for €17.99. I am sure it was not one of the well known brands, but it was there to purchase for less than €20. I enjoy a beer myself from time to time and will go to my local off-licence and buy six bottles for €12. I could, however, choose to go to my local supermarket and buy 12 bottles of the same beer for €16.

I understand we have a cultural issue to deal with in this country in regard to how we consume alcohol, but there are steps we can take to address the problem. Does Professor Barry believe there is a possibility of taking effective action, outside of minimum alcohol pricing, which is something we certainly should examine? Would it be feasible, for instance, to introduce a higher threshold in respect of off-licence purchases in terms of age or perhaps an element of mandatory identification such as applies in many parts of the United States? I recall standing next to my 41 year old sister-in-law when she was carded in Massachusetts last year. I assure colleagues she does not look 18 years of age. It is a suggestion that was put to me by a constituent when this issue came up for discussion. Has such an approach been successfully adopted in other jurisdictions? Would it, in Professor Barry's view, be feasible in this country?

**Professor Joe Barry:** Anything is feasible if there is the will to do it. Five years ago or so, the late Brian Lenihan, as Minister for Justice, Equality and Law Reform, raised the issue of problems with the off-licence sector and a group was set up to examine it. One suggestion that came through from that process was that the age at which it is permissible to purchase alcohol from an off-licence should be increased to 21. Another suggestion that has been raised on several occasions but never attempted is traceability, whereby the name of the off-licence would be marked on its products. That has been done in New Zealand and has made a difference there. We are all aware of outlets in our own areas where it is easier to get served than it is in others. A traceability mechanism would identify where the cheap drink was bought. "Prime Time" conducted a test-purchasing trial some years ago in the Deputy's area which showed that sales of alcohol to underage drinkers was a widespread problem. The more off-licences there are, the greater the pressure to reduce prices. All of the evidence is that regulation which is enforceable,

either by the Garda or, as is now being mooted, by environmental health officers, has an impact. We have seen that effect in regard to drink driving. As long as there is plentiful supply, there will be difficulties.

**Deputy Alan Farrell:** Is there scope for incentivising the off-licence business to adhere to the rules by making fines sufficiently onerous that compliance would be much more likely?

**Professor Joe Barry:** I would be inclined to use legislation. In some cases, the licence is suspended for a few days. If fines are set at a low level, they will not make any difference.

**Deputy Alan Farrell:** The financial burden should be so great as to be extremely uncomfortable. If the average takings of an off-licence on a busy Friday or Saturday night are €2,000 and the fine imposed by the courts for selling alcohol to an under age person were set at €10,000, I presume the off-licence business would apply the necessary standards and ensure it is not duped by people. I expect off-licences would become extremely strict and ensure identity cards are valid and so forth.

**Professor Tim Stockwell:** I will briefly respond. A range of measures is available. Considering the research evidence available from around the world, the joint committee's focus on what gives the retail sector incentives to behave properly is an appropriate one. The environmental structure, density of liquor stores and level of competition, to which Professor Barry referred are key factors. Research shows that there is less disorder in areas where there is a lower density of alcohol products.

Minimum pricing is another factor. This approach supports profitability in the industry, resulting in less pressure on retailers to serve everyone who enters their premises for example, people who are drunk or under age. They can, therefore, run their business in a more appropriate manner.

Enforcement strategies are also available. We describe these as mystery shopper programmes. Members are probably aware of this approach, where one sends a young person who appears under age but is not under age into a retailer to see if he or she will be served. This can be done in a non-punitive manner where one identifies premises that are not adhering to the law and warns them or in a punitive manner where such retailers are fined immediately. Both strategies work.

**Deputy Alan Farrell:** Professor Barry referred to traceability. When I was a councillor, Fingal County Council introduced by-laws allowing gardaí to confiscate any alcohol that was found to be open in a public place. This approach has since been adopted across the State. Local authorities had a key role in instigating action to curb alcohol consumption in public places by allowing the Garda Síochána to take the problem out of the hands of youngsters who may be drinking in fields and so on.

Are statistics available on the likely costs of traceability measures for the off-licence industry? I expect the producers of alcohol products would not be liable for the costs. Attaching a sticker to a can would not be a solution. The label would have to be permanent, rather than a label that could be peeled off. The position regarding placing a label on a bottle is somewhat different as people are less likely to be on a beach with a €25 bottle of spirits than they are with a can. How much would such a measure cost?

**Professor Joe Barry:** While I should not make a guess, I expect the cost would be very small as this could be done in an automated manner. Cans already feature a great deal of infor-

mation. We have a system of food labelling under which a considerable amount of information is already provided. For example, medication is traceable to the chemist's shop where it was sold. A similar approach could be adopted in respect of alcohol. I believe the cost would be tiny in the scale of things.

**Senator Katherine Zappone:** I thank the witnesses for their excellent presentation. Professor Stockwell presented very dense material in a very succinct manner. According to one of the slides, which related to the potential effectiveness of the different types of minimum pricing, setting a price per unit of alcohol is a more effective approach than setting a price per litre of alcohol. I ask Professor Stockwell to elaborate. Is evidence available to show minimum pricing per unit is more effective in reducing consumption and the potential for criminal behaviour? For how long has this approach been in place in Scotland and elsewhere?

**Professor Tim Stockwell:** It has not yet been implemented in Scotland. While the measure was passed into law by the Scottish Parliament, its implementation has been held up by appeals.

There is a strong theoretical argument for pricing by the contents of alcoholic drinks that do harm, for example, with regard to the amount of ethanol. Behaviour in respect of alcohol is similar to behaviour in respect of ordinary commodities in that people respond to price increases by purchasing less of it. Targeting the harmful ingredients of alcohol should, in theory, be more effective. In terms of evidence, Saskatchewan operates a version of minimum pricing that is unique in Canada in that it targets the strength of drinks. This has had a bigger effect on consumption than the more random approach taken in British Columbia where a minimum price is applied to spirits, while beer has become cheaper in real terms over the years. The latter approach is not very effective as it results in substitution because people switch to other products when one increases the minimum price of a product. The reduction in consumption in British Columbia was 3.4% where the average increase in minimum price was 10%. In contrast, in Saskatchewan the reduction was 8.4%. This is testament to the need to take a more targeted approach to the way in which prices are calculated. Generally, however, we are finding minimum pricing affects crime levels and acute health outcomes, even in British Columbia.

A highly influential group at the University of Sheffield in the United Kingdom has done modelling that has put the Scottish Government on its current course of introducing minimum unit pricing. All of the predictions from the group's modelling, under which all the known evidence has been brought together, indicate that minimum unit pricing is more effective than minimum pricing.

**Senator Katherine Zappone:** That is helpful. I live adjacent to a severely economically disadvantaged community and have worked for years in such communities. Have the data been disaggregated to identify how minimum pricing impacts on gender and people in different socioeconomic circumstances? Would people living in disadvantaged circumstances spend more of their income on alcohol if prices were to increase? If so, whether this approach have any overall benefit?

**Professor Tim Stockwell:** Around two months ago, the Sheffield group had an article published in *The Lancet* which examined this issue by income level, namely, low, middle and high income groups. It modelled precisely what would be the implications of the introduction of different minimum unit pricing approaches. Curiously, the research found that the lower income groups have more people who either abstain from alcohol or are light drinkers. It is known that the impact on expenditure of such groups would be in the region of €4 or €5 over an entire year because light drinkers rarely drink cheap alcohol products. Light and moderate drinkers

and those who abstain from alcohol are not affected by minimum pricing. Low income, heavy drinkers would be affected, however, although this group is also disproportionately affected by the health, safety and public order problems that arise from alcohol consumption, as are their communities. A community with a high density of liquor outlets and cheap alcohol experiences significant violence and disorder problems. The modelling suggests low income communities experience a disproportionate benefit from minimum unit pricing. While it is a little tough on heavy drinkers, the modelling shows that this group will spend less overall in a year and will reap many of the benefits from not being injured or made ill.

**Senator Katherine Zappone:** What is the position in respect of gender?

**Professor Tim Stockwell:** Gender does not make any difference. The issue is alcohol consumption and the amount a person drinks as opposed to gender.

**Deputy Marcella Corcoran Kennedy:** I thank our guests for their presentations. I am interested in Professor Stockwell's presentation on pricing. I ask him to elaborate a little on the availability of alcohol in Canada and the rules and regulations in place in respect of alcohol. Is it available in colleges and supermarkets or only at specific points of sale? Do people need to show identification to purchase alcohol? What types of restrictions are in place in respect of alcohol?

**Professor Tim Stockwell:** There is a glorious range of policies and availability. If one goes to Quebec, one could believe one is in Paris or somewhere.

French-speaking Canadians have a very different way of handling alcohol and there is much less regulation in respect of alcohol in supermarkets. In my home province of British Columbia, a decision has just been made to allow alcohol to be sold in supermarkets for the first time. This is being done against the advice of health and safety officials. However, there will be a restriction and they have an interesting way of doing it. They have a mixture of Government-owned liquor stores. This is a hard thing to get one's head around but the Government there is in the business of selling alcohol and it has a monopoly on its distribution. It sells liquor to every private liquor store, bar and club and it is introducing a rule whereby a new liquor outlet - it could be a supermarket, corner store or whatever - cannot be opened within 1 km of an existing outlet. Our research shows that density matters. It is not nearly as important as price, however. Minimum price trumps physical availability but both are important. They are also related because if there is high density, there is also a great deal of competition and this drives down the price. Virtually any policy of which one can think is being tried in the Canadian provinces, sometimes with good results and sometimes with poor results.

**Deputy Marcella Corcoran Kennedy:** What is the position in Canada with regard to drinking in public? Is it also diverse?

**Professor Tim Stockwell:** Yes, it is also diverse. It is difficult to imagine Canadians becoming unruly and disorderly but they do, particularly when they lose at ice hockey. There were terrible riots in Vancouver - about which the Deputy may have heard - when our beloved Canucks lost in the final play-off. Drinking in public places is not permitted in most provinces but it happens. It is, therefore, a matter of enforcement. During Canada Day celebrations, police will search buses and young people's belongings, for example, in order to ensure that they do not bring alcohol with them to public places. It is quite strictly enforced but less so in Quebec.

**Deputy Marcella Corcoran Kennedy:** I would be interested in hearing the views of Ms Costello and Professor Barry on whether alcohol should be available in colleges - many of which have bars - in this country, on whether a restriction should be put in place to prevent alcohol being available in the vicinity of schools and colleges and on whether the consumption of alcohol in public places should be completely restricted. I frequently travel by train and I am aware that one can buy alcohol as well as coffee and tea during one's journey. One can also bring alcohol on board trains and drink it as one travels. Do Ms Costello and Professor Barry have any opinions on this very relaxed approach to where alcohol can be consumed?

**Ms Suzanne Costello:** The easiest way to characterise the availability of alcohol, particularly for young people, is to look to the past. I attended college almost 25 years ago and with the money we had available to us at that point, we could buy very little alcohol. Students have not changed throughout the years. People are always anxious to have a good time and to have fun at that age. We were restricted by the structures within the society around us and these prevented us from overdosing on or overindulging in alcohol. The position in this regard has changed radically. The amount of disposable income available to people now is significantly higher, while the price of alcohol has gone down. That combination alone is absolutely toxic in terms of young people overindulging in alcohol. We see that in our colleges during each academic year and we have witnessed some very tragic events. Enormous initiatives have been undertaken, particularly by the USI. The latter takes this issue extremely seriously in the context of trying to protect the health of students. It is difficult for the USI but we are supportive of the work it is doing.

There is no doubt in my mind that the cheapness and widespread availability of alcohol and its heavy promotion among students and young people are critical factors. The latter cannot be overlooked and it is a major driver in respect of this. I do not believe there is any difference between young people today and their counterparts 25 or 30 years ago, particularly in terms of their emotional maturity. They all want to have a good time, be popular and have exciting social lives. Unfortunately, those aspirations are inextricably linked with alcohol marketing in this country. As a result, they must be seen in the overall context. Minimum pricing is very important and availability is critical but marketing is also important. When the three come together, they create a slightly toxic mix and this is driving people and giving rise to significant harm.

**Chairman:** The Deputy also inquired about the drinking of alcohol on trains and in public places.

**Ms Suzanne Costello:** Irish Rail has restricted drinking on the Galway to Dublin route. I travelled on a train recently and quite a degree of low-level drinking was taking place. A man sitting beside me opened a suitcase which was full of cans of beer - obviously at the cheaper end of the scale - and proceeded to drink for the duration of the journey. He did not do any harm to anyone other than himself. Another party travelling with a group of young children became significantly inebriated and got locked in the bathrooms. The children in question were trying to have them rescued. This is everyday life in Ireland. In certain cases it is somewhat comical and no harm was done in either of the instances to which I refer. However, what I have described feeds into the normalisation of that type of culture. As stated earlier, the latter is probably one of the most difficult things to identify because we are all brought up with it. In the past few years it has become increasingly difficult to identify that normalisation, which is making people resistant to the changes that are required.

The evidence supplied by Professor Stockwell, Professor Barry and many others in respect

of this matter is overwhelming. Many people have commissioned research and produced reports over quite a number of years. Yesterday, the HSE produced its Alcohol's Harm to Others in Ireland report and it contains some shocking statistics. We must fight the normalisation of alcohol as opposed to just accepting it. The only way to address this matter is through regulation and also the measures outlined in the Bill. I do not believe that the latter are going to have catastrophic effects, rather they will have largely positive impacts. There will, perhaps, be an impact on the profitability on some aspects of the industry. However, that is a very small price to pay in the context of people's lives and the type of society we are trying to create.

**Deputy Seán Kenny:** I thank Professor Barry, Professor Stockwell and Ms Costello for their useful and interesting presentations. It is timely that we are engaging in this debate a week after the conclusion of the St. Patrick's Festival. Alcohol misuse and the anti-social behaviour to which it gives rise tend to peak in the days during which the festival takes place. There was one high-profile incident in the city centre when a young man was knocked to the ground and kicked in the head. I received reports of anti-social behaviour at a location in my constituency. I will not name the place but people have informed me about out-of-control gangs engaging in anti-social behaviour there. I am sure such behaviour also occurs in other locations throughout the country. Do we have a self-image problem in the context of our national holiday and alcohol? Yesterday, we celebrated the 50th anniversary of the death of Brendan Behan who made a career out of alcohol misuse. That image of the drinking Irishman tends to prevail. How should we go about addressing that?

**Ms Suzanne Costello:** The Deputy referred to Brendan Behan. If I am correct - Professor Barry will ensure that I am - I understand we have doubled our level of alcohol consumption since the 1960s. Brendan Behan, Patrick Kavanagh and others were characterised as hard-drinking men during that decade but we consume a great deal more alcohol than they ever did. It is important to make that point.

In the context of the Deputy's other point, we tend to promote the national image. I mentioned, when addressing a forum similar to this one, that when we attend meetings in Europe, the culture of drinking and the fact that alcohol is in our DNA is mentioned by representatives from every other country. We are nothing special in terms of our view in this regard. Fáilte Ireland's promotional video for the last St. Patrick's Festival was probably the first which did not contain any references to alcohol. We are all aware that every dignitary who visits the country is either taken to a pub or a brewery. We absolutely respect the legitimate activities of the drinks industry and the fact that there is a heritage around certain aspects of that industry. However, this does not need to be the core focus of our tourism promotion. If people are concerned about our international image being one of the drunken Paddy or whatever, we must consider whether we are promoting ourselves in that way. My impression is that we are actively promoting ourselves in that way and I am of the view that we need to step back from that. I was in Dublin Airport after the St. Patrick's Festival weekend. The impression gained at that point would be that the fallout from said weekend was very much how we promote ourselves to visitors and that people had come here for that particular experience. I am not sure that is either a sustainable tourism strategy in the long term or something we should be seeking to continue.

**Deputy Anne Ferris:** I welcome the witnesses and thank them for the presentations. Many of the questions I intended to ask have been asked already. Deputy Alan Farrell mentioned gardaí confiscating drink in his area. The same happens in my home town, Bray. Approximately 15 years ago, we brought in by-laws to ban the consumption of alcohol in open places, which made a huge difference. Gardaí enforced the laws. The set up of local authorities and

joint policing committees has really worked. Professor Barry referred to controlling the licences for off-licences. Deputy Seán Kenny said we celebrate this year the tenth anniversary of the smoking ban in pubs. When that came in, it was devastating for many pubs, particularly in rural areas. Where they lost business, off-licences benefitted as people began to drink more at home. That is the problem. The Department of Health is examining alcohol and minimum pricing, which is right. Where off-licences are very careful now and look for proof of identity, people can go to the local shop and buy a slab of beer for half the price, which is wrong. Minimum pricing should therefore be introduced.

There is a proposal in the context of planning regulations whereby fast food outlets will not be permitted within a certain distance of schools. The same should be done with off-licences, which must be controlled. The joint committee has just completed hearings on domestic and sexual violence and heard that there was a connection between alcohol and those issues. That has been on the increase. Before Ms Costello gave the figures, I did not know that our consumption of alcohol had doubled since the 1960s. That is shocking.

**Professor Joe Barry:** One could introduce many by-laws and chase around to enforce things, but the ideal approach is to reduce consumption. There are not enough gardaí to really police many areas. Actions on pricing, limiting availability, marketing and promotion are the strategies that will be effective over time, some more quickly than others. To revert to what Deputy Seán Kenny was saying, we have a national self-esteem issue. The world laughs at us as much as with us. The people being harmed by our alcohol consumption are ourselves and our families. We have an onus to take responsibility for our own. We have a higher public tolerance of drunkenness in Ireland. Behaviour is accepted and laughed at here which would not be tolerated in other countries. We are good at enjoying ourselves. We need to break the link between the enjoyment and alcohol and being drunk. We have too many outlets, it is too cheap and it is promoted too heavily. If those submissions are taken on board, we will have fewer worries about people drinking on trains as they do on the Continent, where they can spend the day sipping alcohol.

**Professor Tim Stockwell:** It is important, as Professor Barry says, that we get the regulatory environment and pricing right. However, the police will always have a central role in reducing alcohol-related harm. International research indicates that the typical city or town in the economically developed world experiences a peak of violent incidents when pubs close on Friday and Saturday nights. If one studies the locations in which people were drinking before getting involved in violent disorder in public places, 10% to 15% of all bars contribute to 70% to 80% of the violent incidents. That is partly because they have a massive clientele but also because they are lax, permit crowding, over-serve and have violent security staff who contribute to violence instead of being peaceable and toning things down. A modern system of regulation involves getting good intelligence, linking crime to the liquor outlets that are highest risk and targeting those, including by way of eventually suspending licences. That can lead to a massive reduction. There have been successful strategies in Australia along those lines.

**Deputy Anne Ferris:** Should alcohol be banned at sporting events in places like the Aviva Stadium? Should promotion of sporting events by alcohol companies be banned?

**Professor Tim Stockwell:** It is very easy to say “Yes”. If all one was concerned about was public order and safety, which are good things to be concerned about, one would have to say “Yes”. However, people might complain that the world was a little less fun. There is a solution which has been tried in some Australian states. The Irish Exchequer will hate it. One puts a few cent of duty on every drink that is sold as a levy and places the money in a fund to buy out

sports promotions and promotions of the arts. There is so much alcohol sponsorship which can be taken away from events. That would be more effective. One can also limit the strength of the alcohol that is sold in these premises. At the Canucks' stadium, there is a limit of one drink per person. Buying out sponsorship is the most effective approach, however. There are workable models to follow.

**Senator Marie-Louise O'Donnell:** Do the witnesses consider that third-level colleges have done enough to challenge and counteract binge drinking and the drinking culture? We are coming down in this country with third-level colleges. On an island which is 300 miles long, we have seven universities as well as institutes of technology and other colleges.

**Professor Joe Barry:** Third-level institutions are concerned about what is happening.

**Senator Marie-Louise O'Donnell:** They are concerned, but are they doing enough, realistically?

**Professor Joe Barry:** They have broken the link in terms of on-campus promotions of alcohol by the industry. There is a great deal of work being done now to provide support to heavy-drinking students. The last time a survey was carried out, Irish students were found to spend more money on alcohol than food. There are measures in the university I work in and at others to limit the availability of alcohol, particularly cheap alcohol. There is always a balance to be struck. We in public health are often accused of being killjoys and we must get the balance right. Some of the upstream measures we are discussing will have an impact. Universities are working on getting non-drinking students to act as peers for their heavy-drinking colleagues. There are brief interventions available which have been shown to be effective in limiting the harms people do by their own drinking. There is a treatment approach.

**Senator Marie-Louise O'Donnell:** I wonder how concrete that measure is. Every week, month or year in the universities, there are rag weeks and drink days. We had a drink Monday and a Donegal Tuesday, which had nothing to do with the county but where students were queuing up from 10 a.m. We had people rioting in the middle of a town and hundreds of students trying to get into a place to get shots before noon, when they were cheaper. I wonder about the concrete evidence. It is one thing to have a mentoring system, but it is another to have the university stand up from an educational point of view to alcohol on campus. I was asking about definite measures and feelings about that. My second question is on studies of alcohol and the rise of certain cancers.

**Chairman:** This is the justice committee and we are focused on public order. That question relates to the health committee.

**Senator Marie-Louise O'Donnell:** It is and it is not in the sense that sometimes people have to be frightened into not doing something. We do not do things because they are bad for us----

**Chairman:** That is stretching it a bit. We do not want to encroach in the health area.

**Senator Marie-Louise O'Donnell:** It is an important point-----

**Chairman:** I agree.

**Senator Marie-Louise O'Donnell:** -----which could allay a great deal of alcohol consumption. There has been a significant rise in various cancers because of the use of alcohol. This

is not my area but I have done a great deal of research on it. Perhaps AAI might be capable of looking into this. We were good to make this link when it came to smoking but we do not make the link with alcohol. It is poison if it is overused.

**Deputy Alan Farrell:** An incident occurred on Harcourt Street a few months ago relating to Messy Mondays. This ties in with Senator O'Donnell's comments on advertising, particularly that aimed at younger people. This involved an over 21s venue but the advertising of the night in question was targeted at teenagers who showed up in their thousands. There was a major incident as a result of which a few people were hospitalised. I have been on Harcourt Street on occasion in the wee hours and even on a quiet night, it is crazy. Questions must be asked regarding licensing hours and whether bar staff are cognisant of the volume of alcohol they serve to individuals during an evening. This is again an enforcement matter, similar to that which I raised regarding the off-licence trade, and an advertising matter.

**Ms Suzanne Costello:** Senator O'Donnell initially referenced the situation in Galway a few weeks ago, Messy Mondays and various other nights. The difficulty for universities or any group that tries to take an initiative - I am not absolutely *au fait* with this but, as I understand it, the university in Galway did not have any involvement as rag week was cancelled and this was organised by the bar owners or fast food outlet owners in the city - or anybody who tries to do the right thing, and we have seen the USI trying to do the right thing and take responsibility for students' health, is that society is working against them, and that is why the measures outlined in the public health (alcohol) Bill that have been spoken about today and spoken about so widely will construct a society that facilitates people doing the right thing, behaving correctly. Even if somebody wants to take the initiative and try to implement these measures, they will be overwhelmed by the availability, cheapness and heavy marketing of alcohol. That precludes anyone taking an initiative from being successful unless policy measures and regulation are brought in to support people in taking the right steps both from a public health perspective and from a crime and public order perspective.

**Senator Marie-Louise O'Donnell:** I find that difficult to accept because it would not happen on an American campus, but even though this incident did not happen on the campus, they are still students and staff of the university. Unless third level institutions stand up in some way to control this and say if one is a representative of a university and is out of one's mind drunk and bouncing off a wall at 11.20 a.m., it will not be tolerated within the faculty in which one is a student. This is not Third Reich speak, but universities have to stand up in some way and be counted. For example, just because something happens on the Clonskeagh Road and not on the UCD campus does not make it all right. That is the usual pass the buck approach. AAI has a major part to play in making them do this or at least coming up with rules and regulations in this regard. It would not happen on an American campus and certain English campuses.

**Chairman:** In some companies, if an employee arrives to work in the morning hungover, he or she is told to go home. Perhaps universities should start operating in that regard as well. If a student arrives in the morning and is unable to perform in the laboratory or lecture hall, he or she should be told to take a hike.

**Senator Marie-Louise O'Donnell:** Faculties must have a standard of application of educational opportunity and response.

**Professor Joe Barry:** If students are drunk, the responsibility is on the educational institution. The position will improve. It has improved but there are still horror stories in Ireland that, as the Senator said, do not happen in other countries because we have a different culture.

However, some of these things are a matter for legislation and only members can address them.

With regard to cancer, gastrointestinal cancers are linked and breast cancer is very much linked to alcohol consumption.

**Senator Marie-Louise O'Donnell:** Young girls do not hear enough about that.

**Professor Joe Barry:** The chief executive officer of the Irish Cancer Society is on our board. We take the link between alcohol and cancer seriously.

**Professor Tim Stockwell:** I wanted to acknowledge the importance of university campuses having effective policies. There are models for that but there is also the community-wide issue. It is common for young people to seek cheap alcohol here and there are special deals, happy hours and special arrangements on particular nights. There is a regulatory approach to that and an enforcement approach. Perhaps both are required. Many Canadian provinces outlaw happy hours. Bars cannot compete on price and they stick to that. That is one solution. Young people are price sensitive and local community bars as well as those on campus must all abide by that or else they will compete with each other.

There is another informal enforcement approach. There are models called alcohol accords where police work with city councils, municipalities and bar owners. It is like OPEC. They agree to fix the prices and happy hours are not allowed. Patrons are stamped when they enter a bar and, therefore, they cannot go bar hopping. One pays an admission fee and once one leaves, one is not allowed back in without paying another admission fee because there are many large groups walking round town committing crimes.

There are constructive measures when people sit down to discuss how to make their communities safer but a regulatory approach and university policies are needed as well.

**Chairman:** We have discussed alcohol availability, promotion and price, which is a significant issue. On the other side of the coin, we have the consequences of alcohol use such as a person deciding to become inebriated to the extent that he or she engages in serious violence on the streets, intimidating others in the early hours of the morning, taking up Garda time and so forth. Are the penalties in place adequate? Should more be done? I refer to the issue of how people are treated in hospitals when they are brought in. I spoke recently to the family of an elderly lady who was on a hospital trolley in an accident and emergency department. There was a man on a trolley two down from her who was totally out of his mind and causing all kinds of ructions. She was frightened out of her mind.

**Professor Joe Barry:** Alcohol use is used as an inappropriate defence in lots of criminal activity. We have had situations such as high profile rape trials where people cannot remember the victim. Anybody who goes to an accident and emergency department will find it can be quite a distressing place and if people are drunk, there is the law of the land. If a crime is being committed, prosecutions can be taken. We could end up criminalising a huge section of the population because this culture is so tolerant and all-pervasive but alcohol is used inappropriately as a defence for anti-social behaviour quite a lot and a huge number of crimes are linked. If alcohol was not a defence, it would be much better.

**Chairman:** We have given it a good run. I thank the delegates for attending and for their time. We will certainly take on board what they have had to say. I wish Professor Stockwell well in his visit. When is he heading back?

JOINT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY

**Professor Tim Stockwell:** Tomorrow, unfortunately.

**Chairman:** I hope he has had a productive visit. I thank him for his time today. We really appreciate his being here this morning.

**Professor Tim Stockwell:** I thank the Chairman.

**Chairman:** The same applies to Professor Barry and Ms Costello.

The joint committee went into private session at 1.11 p.m. and adjourned at 1.21 p.m. *sine die*.