

Commentary

Paying the Price for Extended Opening Hours: a comment from Ireland

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During the summer of 2003, as Home Office (2000) proposals to liberalize the opening hours of English and Welsh pubs were finally being given legislative effect, some British commentators drew attention to the fact that this coincided with the enactment of Irish licensing legislation which appeared to be the polar opposite of that being introduced in their own jurisdiction. As legislators at Westminster voted to give licensees total discretion as to how long they kept their premises open—British pubs would now have the option of remaining open twenty-four hours a day, seven days a week—their Irish counterparts were amending the permitted opening hours by bringing back the Thursday night/Friday morning closing time from 12.30 a.m. to 11.30 p.m. It may have appeared to British observers as though a radical policy divergence was opening up between the two jurisdictions, with Irish policy now being guided by the conviction that, in Foster's (2003) phrase, there was 'a large price to pay' for making alcohol more readily accessible, but a somewhat more detailed comparison of the two systems will demonstrate that this is not the case.

Attempts to draft and implement an integrated alcohol strategy for England based upon public health or health promotional principles have been frustratingly slow for proponents of this approach. More than four years after Alcohol Concern (1999) published its detailed proposals for such a strategy, the policy process—now based in the Strategy Unit of the Cabinet Office—is still meandering through Government. In Ireland, on the other hand, such an integrated strategy, *National Alcohol Policy: Ireland* (1996), was published by the Department of Health and approved by Government in 1996. Ireland's national alcohol policy drew heavily on *Alcohol Policy and the Public Good* (Edwards *et al.*, 1994), as well as on the World Health Organization's (1995) *European Charter on Alcohol* in its focus on total societal drinking trends rather than on 'alcoholics', under-age drinkers or other subgroups deemed to be particularly problematic. This

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policy document was also emphatic about the necessity to use control measures, including a restricted licensing code and curbs on advertising and promotion, in order to counteract increasing consumption rates and accompanying increases in the prevalence of a range of alcohol-related problems.

The only fly in this health-promoting ointment was that *National Alcohol Policy: Ireland* contained no realistic strategy for the implementation of its radical policy proposals. It was also ominous that while Government was quick to identify policy on illicit drugs as a 'cross-cutting' issue (Boyle, 1999), the equivalent in Ireland's new *Strategic Management Initiative* to British ideas about 'joined-up' Government, no attempt was made to create structures which might reconcile and integrate all the conflicting interests in implementing the new alcohol policy. In short, Ireland's national alcohol policy existed only on paper or as a pious aspiration, which quickly faded into oblivion. Against the background of unprecedented economic growth throughout the 1990s, known colloquially as the 'Celtic Tiger', the central philosophy of the national alcohol policy seemed excessively paternalistic and out of keeping with a society of consumers which appeared to be strongly committed to the free market and to increased competition (Kirby *et al.*, 2002). The Intoxicating Liquor Act 2000, which was the first licensing legislation enacted in Ireland following the publication of the national alcohol policy document, extended the opening hours of pubs in a number of ways: it abolished the traditional difference between summer and earlier winter closing times; it also abolished the so-called 'holy hour' or 2 p.m. to 4 p.m. closing time on Sundays; and, most radically, it allowed pubs to remain open until half an hour after midnight on Thursdays, Fridays and Saturdays, which with a half-hour 'drinking-up' time meant that pubs remained open until 1 a.m. on these nights. This legislation was enacted virtually without reference to the alleged national alcohol policy; and it seems likely that a Competition Authority recommendation that Irish pubs should be deregulated (which would allow business people to open a pub, as they would a grocery shop or a butcher's, anywhere that they could satisfy local planning regulations) failed to be included in the Intoxicating Liquor Act 2000 because of effective lobbying by existing licence holders, rather than because of public health concerns about making alcohol even more accessible to the public.

Debate about the opening hours of pubs and the wider issue of public access to alcohol did not end with the enactment of the Intoxicating Liquor Act 2000. In the immediate aftermath of this legislation, the Minister for Justice, Equality and Law Reform established a Commission on Liquor Licensing which was charged with the task of reviewing the entire licensing system and recommending how it might best meet 'the needs of consumers, in a competitive market environment, while taking due account of the social, health and economic interests of a modern society' (Commission on Liquor Licensing, 2001, p. 20). Membership of this commission was dominated by business interests and by public-sector representatives who were ideologically committed to increased competition, with just one shared membership position (shared between the Department of Health and the Department of Education) that seemed likely to represent the public health perspective. It is not surprising, therefore, that the overall thrust of the recommendations of the Liquor Licensing Commission, in four reports published between 2001 and 2003, was neo-liberal, seeing alcohol primarily as a commodity to be marketed and managed like any other commodity, and seeing alcohol problems largely in terms of the drinking habits of young

people. The language of these reports was of a neutral, managerial tone that rarely dealt directly with the ideological and interest-group conflicts, which characterize the alcohol policy arena, but, in what must be regarded as an important coup for health promotionists, the commission was persuaded early in its existence to recommend to Government the creation of a separate body—a strategic task-force under the aegis of the Department of Health and Children to ‘provide advice to Government on best practice in alcohol-harm prevention measures’ (Commission on Liquor Licensing, 2001, p. 13) The establishment of the Strategic Task-force on Alcohol in early 2002 effectively meant that Ireland now had two parallel alcohol-policy processes: the first of these was the Commission on Liquor Licensing which was based in the Department of Justice, Equality and Law Reform; and the second was the Strategic Task-force on Alcohol, which was based in the Department of Health and Children.

The period between early summer 2002 and early summer 2003 was one of unprecedented controversy and sustained public debate on the theme of drinking and drink-related problems in Ireland. Much of the impetus for the debate came from the *Interim Report* of the Strategic Task-force on Alcohol (2002), a hard-hitting document that essentially reproduced the same arguments as had been made in the 1996 national alcohol policy document, arguments which were even more compelling in the context of the empirical data on changes in Irish alcohol consumption patterns over the years of the economic boom. It was reported, for instance, that per capita consumption had increased by 41% between 1989 and 1999, at a time when ten other EU countries had declining consumption and three showed quite modest increases. The interim report also documented the increases that had taken place in a range of alcohol-related harms over these years (increases in public-order offences, for instance, were the subject of much discussion), and all of this data was considered in the context of a review of alcohol-policy effectiveness carried out for the task-force by Robin Room (2002). The contrasts and contradictions between the two policy processes is most stark in relation to their respective views on the role to be played by alcohol education in schools: the Commission on Liquor Licensing expressed great belief in the power of school-based educational programmes, and advertising campaigns to foster responsible drinking, in impacting ultimately on the wider culture; while the Strategic Task-force on Alcohol concluded that such efforts bore no such fruit and that the Irish would not readily be transformed into moderate Mediterranean-type drinkers.

The enactment of the Intoxicating Liquor Act 2003 may be seen as a compromise. The Commission on Liquor Licensing had received strong, albeit anecdotal, evidence that late opening on Thursday was getting the weekend off to a premature start, with adverse effects on workplaces and educational establishments, and on this basis it recommended bringing back the Thursday night closing time by an hour. However, the broad philosophy of this Irish legislation is very similar to that of the Licensing Act 2003 in England and Wales in that it is largely about combating drunkenness and disorderly conduct, rather than about addressing alcohol issues through the use of control measures. It is possible that having introduced what is perceived to be tough anti-drunkenness legislation, the Minister for Justice, Equality and Law Reform may now go on to increase the number of licensed premises, if not indeed to deregulate the trade completely. The opera ain't over . . .

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