



### Oireachtas Justice Committee

#### **- Draft Opening Statement -**

Good Morning. We would like to begin by thanking the Chairman and the members of this committee for the opportunity to raise the issues of Aggressive/Organised Begging in Dublin city centre and the need for Greater Policing Resources for Dublin with you.

Our group consists of the CEO's of seven business associations as follows:

Richard Guiney,	Chief Executive Officer,	DublinTown
David Brennan,	Chief Executive,	Dublin City Business Association
Tim Fenn,	Chief Executive,	Irish Hotels Federation
Dónall O'Keeffe,	Chief Executive,	Licensed Vintners Association
Adrian Cummins,	Chief Executive,	Restaurants Association of Ireland
Sean Murphy,	Deputy Chief Executive Officer,	Retail Excellence Ireland
Martin Harte,	Managing Director,	Temple Bar Company

From the outset we wish to make clear that the businesses sector we collectively represent recognise the complexity of the societal issues involved in the interrelated areas of begging / homelessness / alcohol and drug addiction, that we fully support Government investment via the HSE, Departments of Social Protection, Environment and Dublin City Council in treatment services and social housing programmes, and that people in these desperate circumstances must be treated with compassion and dignity. There is a clear responsibility on the State to assist its citizens in need and we strongly support this.

For the purposes of today's meeting we want to focus exclusively on the Begging issue and the need for greater Garda resources for Dublin. Our primary concern is how this issue is impacting on the citizens and businesses of Dublin.

In our view the status quo is not acceptable to either the citizens of Dublin or its businesses. The general public deserve the right to frequent our city centre without harassment or intimidation. Our research indicates they are concerned about aggressive begging in this regard.

Whether they are involved in the day or night-time economy, across retail, hospitality or offices, the business community in Dublin is united in its view that the current level repeated, aggressive begging negativity impacts the image and reputation of our Capital City, damages our tourism offer, and works against efforts to build business.

We will now set out a framework and context to consider this issue:

### **Dublin Context**

As the Capital City, and by sheer weight of numbers, Dublin is the most important socio-economic urban area in the country. Some context can be gleaned from following stats:

- Dublin City and County have a population of 1.27 million people
- Economic activity in the Dublin region accounts for 47% of national GDP
- 840,000 people work in the Dublin region – representing over 40% of total employment in the state
- Dublin attracted 3.9 million overseas visitors last year, generating €1.4 billion in revenue.

### **What the Public Thinks**

Our Group commissioned the research agency, Behaviour and Attitudes, to carry out a survey of Dubliners' views on the Begging issue in Dublin city centre. The survey's objective was to determine the level of concern people feel about aggressive begging in town and to measure its impact on visit likelihood and frequency. Some 524 adults over the age of 18 were surveyed online in the last week of October 2014.

The key findings were

### **Headlines**

- 9 out of 10 would categorise aggressive begging as having a substantially negative impact on the attractiveness of the city.
- 58% of people feel intimidated by people who look for money and beg on the street.
- 60% feel that aggressive begging has some effect on them visiting town in general: 2 in 5 agree that it effects their likelihood of shopping during the day in town, and over half (51%) claim that it effects their likelihood of socialising at night.
- 87% feel there could be greater levels of visible policing in town and the vast majority would like a heavier Garda presence.
- 70% feel the Gardaí should be tasked with preventing aggressive begging.
- More than two thirds agree that they don't see enough Gardaí patrolling the streets of Dublin City Centre.

## **Policing Context**

We wish to recognise the critical role played by the Gardaí in making Dublin an attractive place in which to live, work and visit and we want to acknowledge their outstanding performance in that regard. All the business organisations below have very positive relationships with the Gardaí and recognise their substantial contribution to the ongoing development of Dublin.

We also recognise the pressure on the public finances and the pressure for severe reduction in Government expenditure in recent years. However, we believe there now is an over-whelming case for substantial additional resources to be made available to the Gardaí for policing in Dublin, and in Dublin city centre in particular.

According to the Annual Report of An Garda Síochána, the total numbers of Gardaí have fallen from 14,835 in 2009 to 13,093 in 2013, a drop of 1,742 Gardaí or 12% in three years.

Dublin City Centre is the public face of the Dublin region and this area has suffered significantly from a reduction in Garda numbers. In the south inner city alone one Garda Division has seen its numbers drop by over 160 Gardaí. In addition to this reduction in numbers the overtime budget for the same division station has been cut by 61% since 2008. This means that not only are numbers down but existing numbers cannot be maximised because there is simply not the overtime budget available. This issue is further compounded by the introduction of the new Garda roster which in effect means that Garda Resources will be targeted at times of peak demand (i.e. Friday & Saturday nights). However it also means that there are less Gardaí available at other times. This system may in theory be effective in other parts of the state, but a major urban centre like Dublin City operates on a 24 hour basis and demand for on the ground policing is required on a daily basis, not just at the weekend.

The attractiveness of Dublin as a city in which to live, do business, or visit is directly boosted by virtue of higher profile policing presence across both the day and night-time economies.

While the Gardaí are performing exceptionally, there is no doubt the force would benefit from extra resources in Dublin.

We are calling for a three year strategy, with the required resources, to boost Garda numbers in Dublin back to 2009 levels. Consideration must certainly be given to deploying the majority of new Garda recruits in Dublin and, as an immediate step to boosting the overtime Budget to facilitate additional on-street policing.

In addition, we believe that a specific, resourced strategy to deal with the aggressive begging issue in the city centre must be developed. This should include the Garda views on required legislative change to facilitate more effective enforcement as well as dedicated Garda resources.

There should also be a review of the capture of Garda statistics to focus on begging / on-street drinking / low level public order and anti-social behaviour concerns.

Specific targets should be in place, increased visibility of Garda patrols across the night-time economy (8pm – 8am). There is no doubt that both the public and the business community would like to see a greater Garda presence on our city centre streets.

As the population of Dublin grows and the economic recovery takes hold, the case for additional Garda resources to be devoted to Dublin is powerful.

## **Legislative Context**

This Criminal Justice (Public Order) Act of 2011 was introduced after the High Court found that section 3 of the Vagrancy (Ireland) Act 1847 was unconstitutional due to its vagueness and lack of certainty. It was also held to represent a disproportionate interference with the constitution's provisions on freedom of expression and freedom to communicate.

The Constitution guarantees that you have a right to liberty and freedom, except in accordance with the law. This means that, in general, you are entitled to your own personal freedom but legislation may provide for your arrest and detention in certain circumstances like begging.

While the Vagrancy Act was found to be unconstitutional, the judgement did note that it is undoubtedly so that the right to communicate and the right to freedom of expression can be limited in the interests of common good. Nothing in this judgement should be construed as preventing legislature making laws controlling the age, duration, location, time, date and manner in which begging or the seeking of alms takes place.

The 2011 Act provided new statutory measures to deal with begging. It is fair to say that this 2011 Act never functioned properly in terms of dealing with the begging issue. The High Court found that the Gardaí were obliged to establish a prima facie case that the begging took place without legal authorisation.

While the law does provide that a person guilty of the offence of aggressive, intimidating or aggressive begging could be fined or jailed, the Minister of Justice has observed that convicting people engaged in begging is not a readily workable solution to the problem.

We note the Gardaí have the power to direct people away from certain places where they are causing a nuisance but that requires a significant, ongoing Garda presence on our streets to provide an effective solution.

The issue of aggressive begging has intensified in Dublin over the past 12 months and is now at epidemic proportions. There are ongoing suspicions that much of it is organised begging for financial gain, as opposed to begging by people in serious need.

We are calling for a review of begging legislation in light of recent experience, to draw on the views of the Gardaí, business sectors, voluntary bodies and the public and to re-draft legislation to deal with this issue more effectively.

### **Conclusion**

There are clear concerns among the public and business community about the level and nature of begging in Dublin. The solution to this is complex issue involves high levels of State support services, an effective legislative framework and increased resources for the Gardaí. We trust the Oireachtas Justice Committee recognises our concerns and will support our calls for greater legal clarity and increased Garda resources for our Capital City. Thank you for your attention. All members of our Dublin business Alliance are available to take your questions.