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An Comhchoiste um Thurasóireacht, Cultúr, Ealaíona,
Spórt agus Meán
**Tuarascáil ar thionchar Covid-19 ar an Earnáil Fáilteachais
agus an Earnáil Siamsaíochta**

Iúil 2021

Joint Committee on Tourism, Culture, Arts, Sport and Media
**Report on the impact of Covid-19 on the Hospitality
and Entertainment sectors**

July 2021

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- Deputy Ciarán Cannon T.D., Fine Gael
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- Senator Malcolm Byrne, Fianna Fáil
- Senator Micheál Carrigy, Fine Gael
- Senator Shane Cassells, Fianna Fáil
- Senator Annie Hoey, Labour Party
- Senator Fintan Warfield, Sinn Féin

Joint Committee on Tourism, Culture, Arts, Sport and Media



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FOREWORD

On behalf of the Joint Committee on Tourism, Culture, Arts, Sport and Media, I am pleased to present this report addressing the impact of COVID-19 on Ireland's hospitality and entertainment sectors.

Irish hospitality and entertainment have been subject to an immense measure of adversity as a result of the COVID-19 pandemic. The economic and social consequences arising from the pandemic, and from the State's response to the pandemic, has presented—and will continue to present—significant difficulties for workers and businesses in the hospitality and entertainment sectors over the months and years to come. The Joint Committee's engagement with a plethora of viewpoints and stakeholders within these sectors has facilitated much productive discussion on the extent of the harm caused by the COVID-19 pandemic and on its remediation.

In light of the work completed in considering all oral and written evidence presented, the Committee advances the present report for consideration. Within the report, a range of key issues and crucial recommendations are enumerated, with a view to highlighting the urgent nature of these matters, and in order to usher in the supports for the hospitality and entertainment sectors that are incontestably required.

These recommendations largely relate to Government schemes that have aimed to mitigate some of the impacts of COVID-19 on the hospitality and entertainment sectors, calling for the extension of these schemes so as to better meet the current needs of businesses, employees, and workers. Furthermore, these recommendations call for the review of established mechanisms, and the introduction of new schemes, as a means of compensating workers and businesses in these sectors for their hardships during the pandemic, of granting them more

operational flexibility in the emerging period, and of safeguarding future sectoral sustainability.

The work of the Joint Committee on this report would not have been possible without the cooperation of a number of key stakeholders, for which I thank them. I would also like to acknowledge and extend my gratitude to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, other public bodies, and representative groups for their essential contributions.

Lastly, I wish to take this opportunity to thank my colleagues on the Joint Committee, in addition to the staff of the Secretariat, for their continuous hard work in and dedication to the undertakings of this report.



A handwritten signature in blue ink, appearing to read 'Niamh Smyth'.

Niamh Smyth T.D.

Cathaoirleach

14th July 2021

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SUMMARY

1. Since the formation of the Joint Committee in the 33rd Dáil, the Committee has heard from stakeholders about the devastating impact COVID-19 has had on all sectors within its remit. Given the severe and long-term consequences of the closure of the hospitality and entertainment sectors, and, given the ongoing response to the COVID-19 pandemic and consequent public health restrictions, the Committee agreed in April 2021 to report on the impact of COVID-19 within these particular sectors.
2. Key stakeholders in the hospitality and entertainment sectors were identified, and evidence in oral and written form was provided to the Committee. This report is structured in line with these two areas of inquiry, reflecting the evidence provided by stakeholders in the period of March—June 2021.
3. Given the ongoing COVID-19 restrictions, the tight timeframe for completion, and the breadth of those involved in these two sectors, it did not prove feasible to meet all stakeholders.
4. The Committee focused on identifying key witnesses for public hearing, all of which are listed in Appendix 1. Written evidence was sought from other stakeholders, as outlined in Appendix 2.
5. The Committee notes that further announcements relating to the relaxation of restrictions and supports were made following the receipt of written submissions and meetings on this topic. This approach adopted in this report is that of scrutinising measures taken to date, based on outstanding issues raised at public meetings on same. In light of these issues, the Committee makes the following recommendations for the restoration and development of both sectors.

KEY RECOMMENDATIONS

HOSPITALITY SECTOR

1. The Committee recommends that ongoing financial supports for the hospitality sector must continue until at least the end of 2021, when a reopening plan for indoor hospitality is in place and the domestic tourism economy has restored trade.
2. The Committee recommends that the Government extend the 9% VAT rate out to 2025 to provide certainty for businesses.
3. The Committee recommends that the COVID Restrictions Support Scheme (CRSS) be doubled for tourism and hospitality businesses which will show a slow recovery until the end of 2021 and ensure that tourism sectoral supports continue to be sufficiently funded to allow businesses to survive until recovery comes. The Committee recommends that the Government examine removing the current cap on the maximum payment for businesses.
4. The Committee recommends that that the Local Authority Rates Waiver is extended for a full year for tourism and hospitality businesses.
5. The Committee recommends that the Government establish a hospitality voucher scheme to stimulate spending in the tourism and hospitality sector. Full consultation with industry stakeholders needs to occur prior to such a scheme being established. The Committee also believes that the Government should find a way to use technology to allow for the seamless transfer of the voucher to the intended recipients in the sector and for it to be a point-of-sale voucher.
6. The Committee recommends that the Government establish a new public holiday to stimulate domestic spending in the tourism and entertainment sectors.

7. The Committee recommends that the Minister appoint a representative from the hospitality sector to the Tourism Recovery Oversight Group.
8. The Committee recommends that the Minister review the National Tourism Development Authority Act 2003, which provides for the appointment of members to Fáilte Ireland, to ensure that representatives from the hospitality sector are considered when appointments are made. On a separate note, the Committee observes that Tourism Ireland's Board of Directors is appointed by the North-South Ministerial Council (NSMC) and represents tourism industry interests on the island of Ireland. The Committee believes that the Minister, in conjunction with her Ministerial colleagues on the NSMC, should also review the scope of appointments to the Board of Tourism Ireland to ensure that representatives from the hospitality sector are considered when appointments are made.
9. The Committee recommends that a national hospitality and tourism skills directorate be established for the hospitality and tourism industry.
10. The Committee recommends that the Government review issues surrounding the cost of apprenticeships for chefs which are paid by the hospitality trade, while the State carries the cost for other apprenticeships.
11. The Committee recommends that Government review licencing laws and modernise these laws and application processes to reduce bureaucracy and to stimulate the night-time economy.
12. The Committee recommends that insurance reform be tackled and expedited on an urgent basis by Government to support businesses in the hospitality and entertainment sectors.

13. The Committee recommends that all additional licencing requirements relating to the hospitality sector, such as the outdoor seating licences, be simplified and moved online.
14. The Committee recommends that the Government review the Temporary Supply Suspension Scheme in 2020 and to further examine the low take-up among hospitality businesses of the scheme.
15. The Committee recognises ongoing difficulties experienced by some workers in the sector due to low pay and poor conditions and is supportive of all efforts to increase wages and improve working conditions for workers in tourism and hospitality. The Committee also recognises the impact that this has had on staff retention in the sector. The Committee recommends that the Department conduct a review of this issue and provide a report to the Joint Committee within 6 months.
16. The Committee recommends that Schedule 4 of the Valuation Acts 2001-2020 is amended to provide an exemption for B&Bs from the payment of commercial rates to Local Authorities until 2023.

ENTERTAINMENT SECTOR

17. This Committee strongly believes that the development of nightlife and the night-time economy is an essential part of the stimulus needed in the hospitality and entertainment sector. This should be fast-tracked in time for the full reopening of the economy. The report of Night-Time Economy Taskforce should also be acted upon with urgency when finally published. In the Committee's view, this should include: extended trading hours in line with European neighbours; simplifying the licensing regime and transferring responsibility for licensing from the courts to

Local Authorities, in partnership with An Garda Síochána; and enabling creative spaces, and non-commercial spaces, the flexibility to open through the night.

- 18.** The Committee recommends that the Department conduct research to explore the extent of skill loss from the entertainment sector as a result of COVID-19, and develop long-term supports, such as educational and training initiatives, for workers in this sector.
- 19.** The Committee recommends that the Government expedite the transposition of the EU Directive 2019/790: Copyright and Related Rights in the Digital Single Market.
- 20.** The Committee recommends that the Department engage in consultation with stakeholders regarding the roll-out of the Music and Entertainment Business Assistance Scheme (MEBAS) scheme.
- 21.** The Committee recommends the expedition of plans to deliver innovative support schemes for artists, musicians, and those working in the creative industries as part of the National Economic Plan.
- 22.** The Committee recommends that the Department meaningfully engage with representatives from the entertainment sector regarding plans to reopen the sector.
- 23.** The Committee recommends that the Minister engage with stakeholders on plans for trial events.
- 24.** The Committee calls for the full rate of Pandemic Unemployment Payment to be maintained for workers in the entertainment sector until their industry is fully reopened, and to ensure no workers in the sector are reduced to jobseeker status in the interim period. The Committee further calls for measures to be put in place to ensure workers and businesses in the entertainment sector can avail of short

offers of employment, including with government supports, without fear of losing their PUP or being unable to reapply for PUP as a result of working for a short time period.

BOTH HOSPITALITY AND ENTERTAINMENT SECTORS

- 25.** The Committee recommends that a dedicated direct helpline be set up by the Department for the duration of the pandemic for people in the Hospitality and Entertainment industries, to provide information and advice on how to access available supports and entitlements.
- 26.** The Committee recommends the introduction of a partial refund scheme for pass-through energy charges incurred by businesses in the sector that remained closed during the pandemic.
- 27.** The Committee calls for a six-month payment break to be secured for workers and businesses in the hospitality and entertainment sectors to be able to meet mortgage repayments.

IMPACT OF COVID-19 ON THE HOSPITALITY SECTOR

OVERVIEW

Pubs, hotels, and restaurants are all part of an indigenous tourism industry that has been devastated by COVID-19. The Committee heard that, economically, tourism was hit first, hit hardest, and will take the longest to recover. Fáilte Ireland told the Committee that, pre-COVID, tourism accounted for 260,000 jobs—or 1 in 9 jobs—and was worth almost €8 billion to the Irish economy annually.

At the time of the Committee's meeting with representatives from the hospitality trade on 23 March 2021, traditional pubs which did not provide food services had been closed for over a year—since 15 March 2020—due to ongoing COVID-19 public health measures. Pubs which had provided food services were in their third lockdown, and, in the 372 days since March 2020, they had only traded for 105 days, or 28% of that time.

The Committee heard that hospitality businesses are on the brink of collapse, with some 50% of restaurants facing permanent closure. Similarly, hotels have been devastated by COVID-19. The Irish Hotels Federation told the Committee that revenue across the hotel sector fell by more than €2.5 billion in 2020, marking an unprecedented drop of 60%, while the immediate outlook remains exceptionally challenging in 2021 due to the high level of uncertainty about reopening.

The Committee heard that, even among those in the hospitality and tourism sector, the impact of COVID-19 has varied. Hospitality and tourism businesses in urban areas such as Dublin have been particularly affected and decimated. In Dublin, prior to the pandemic, 83% of hotel business came from overseas. Fáilte Ireland observed

that hospitality businesses along the Wild Atlantic Way or along the Hidden Heartlands were able to salvage part of summer 2020, with a short but strong domestic season. Businesses which rely primarily on international and business tourists and large events have been decimated.

The Irish Tourism Industry Confederation (ITIC) remarked that, even in a ‘best case’ scenario, international tourism will not return to 2019 levels until at least 2025. It is projected that the tourism industry will remain in “survival mode” for the rest of 2021, given that international travel, when likely to be enabled, will be too late and miss another peak season. However, the ITIC notes how resilient the Irish tourism industry has been in the past, observing that no other industry has the potential to create jobs quickly and provide regional economic balance.

The Committee acknowledges and welcomes the supports that have been provided to date by Government, which have been, in the main, welcomed by stakeholders in the hospitality sector. It notes the report of the Tourism Recovery Taskforce (TRT) which made several recommendations on issues facing the wider tourism sector, as well as the work of the Tourism Recovery Oversight Group (TROG), which was established in December 2020 to oversee the implementation of the recovery plan prepared by the TRT.¹ Further analysis of issues relating to the representation of the hospitality sector on TROG follows on page 22.

The Tourism Recovery Oversight Group submission says that good progress has been made and this is very welcome. Measures such as the COVID Restrictions

¹ Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. (2020, 7 October). *Tourism Recovery Plan 2020-2023*. gov.ie. Available from: <https://www.gov.ie/en/publication/be0cb-tourism-recovery-plan-2020-2023/>

Support Scheme (CRSS), Employment Wage Subsidy Scheme (EWSS), and other horizontal measures, together with sector specific schemes, such as the Fáilte Ireland business supports, continue to be critical in helping tourism businesses and jobs to survive. In February 2021, the Oversight Group presented a report to the Minister on findings which it feels the Government should focus on to mitigate the ongoing impact of the pandemic.² In May 2021, the Oversight Group presented another report that focused on preparations for recovery of inbound tourism.³

The submission of the Department notes that a number of areas highlighted by the Oversight Group have been addressed in the new plan: *Recovery and Resilience: The Path Ahead*. In addition, officials will continue to engage with tourism agencies and colleagues across Government in pursuing progress on specific recommendations.

The Committee observes that a twin-track approach is required to supporting the hospitality and tourism sector, and notes that a mix of urgent measures to assist business survival, as well as policies for long-term sustainable recovery, are required.

Some clarity was provided on the reopening of the hospitality sector on 30 April 2021 when the Government announced a reopening plan following NPHET advice. New public health measures announced as part of the Government's *Recovery and*

² Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. (2021, 15 February). *Recovery Oversight Group presents first report to Minister Martin* [Press release]. gov.ie. Available from: <https://www.gov.ie/en/press-release/89835-recovery-oversight-group-for-tourism-presents-first-report-to-minister-martin/>

³ Tourism Recovery Oversight Group. (2021). *Report to Minister Catherine Martin: Reopening Inbound Tourism*. Dublin, Ireland: Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. Available from: <https://assets.gov.ie/136326/5e2d7d25-a26c-414f-b55d-e80ae476236d.pdf>

Resilience: The Path Ahead plan included the relaxation of intercounty travel from May 10 2021; the reopening of accommodation services from 2 June 2021, subject to the public health situation, with a restriction on these to limit services to only include overnight guests and residents. On 28 May 2021, the Government announced a phased reopening for hotels, pubs and restaurants: from 2 June 2021, the reopening of hotels, and, from 7 June 2021, the resumption of outdoor services in restaurants and bars, with groups to be served limited to 6 people. The Committee is aware, as of 14 July 2021, that legislation is being considered that may facilitate the reopening of indoor hospitality in certain limited circumstances.⁴

SUPPORTS FOR THE HOSPITALITY SECTOR

At its meeting on 23 March 2020, stakeholders across the hospitality sector outlined the need to extend supports to ensure the survival of the sector. Some of these range from medium-term to long-term supports. Several related issues emerged from the exchange between witnesses and the Committee including, but not limited to:

- the need for a roadmap for re-opening of the hospitality sector;
- ongoing sectoral supports, including the CRSS, the EWSS, rates waivers, and the VAT rate;
- the costs of restarting businesses after extended periods of closure;
- skills shortages in the sector;
- banking and finance issues within the sector;

⁴ Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. (2021, 12 July). *Phased reopening of indoor agreed by Government* [Press release]. gov.ie. Available from: <https://www.gov.ie/en/press-release/6f18f-phased-reopening-of-indoor-hospitality-agreed-by-government/>

- stimulating spending in the hospitality sector; and
- representation and engagement on sectoral issues.

The Committee observes that there are some green shoots of hope for the sector, with the roll-out of the vaccine programme, improved treatments for COVID-19, and pent-up demand for entertainment and tourism. However, all stakeholders agreed that supports will be needed for a considerable amount of time in the post-reopening period if the sector is to recover from the traumatic closures.

Ongoing financial supports for the sector must continue until at least the end of 2021, when a re-opening plan for international tourism is in place and the domestic tourism economy has restored trade. Further discussion of the key issues arising from the engagements with stakeholders is detailed in the following section.

ISSUES ARISING FROM ENGAGEMENT WITH STAKEHOLDERS

BANKING AND FINANCIAL ISSUES

The issue of mortgage repayments and leasing costs of businesses which have been closed over the past year was a key issue raised. The Committee heard that there is notable variance in the approaches taken by banks to address these issues.

The Irish Hotels Federation (IHF) told the Committee that, while the European Banking Authority reactivated guidelines on moratoriums last year, Irish banks and the Central Bank of Ireland have chosen to negotiate this on a case-by-case basis.

The Irish Hotels Federation told the Committee that this meant that an “unnecessary [and] restrictive credit policy is hiding behind this case-by-case method.”

The IHF told the Committee that 80% of its members would apply for a moratorium if it was available, while only 40% have received a moratorium. This means that closed businesses are being forced to use their reserves to continue to pay the banks.

The Committee heard from stakeholders that leased businesses are also exposed. The Restaurants Association of Ireland (RAI) told the Committee that commercial landlords are seeking full rents for the period of closure, with some charging interest on arrears. It said that 80% of its members were struggling with this issue. As a result, the RAI noted that there should be a doubling of the CRSS payment for the hospitality sector, as the grant only covers 50% of costs on average. It also told the Committee that there should be better regulation of landlords, given the pressure that these landlords are currently placing on businesses.

Vintners told the Committee that, while only 20% of businesses were leased, the most significant fixed cost, common to all businesses, related to property.

Stakeholders recommended to the Committee that, during a Level 5 lockdown, any business should automatically qualify for a mortgage payment break for as long as it endures. The submission from the Irish Tourism Industry Confederation recommends that a six-month payment moratorium be secured for businesses and mortgages for tourism employees.

STAY AND SPEND SCHEME

The Committee heard that there was poor uptake of the Stay and Spend tax credit scheme, with only 0.2% uptake, largely because the scheme was structured as a tax relief. Stakeholders in the sector told the Committee that the scheme needed to be re-purposed. Additionally, the Restaurants Association of Ireland told the Committee that there was no consultation with trade bodies in advance of the launch of the

scheme. Stakeholders all agreed that a voucher scheme could help stimulate spending in the sector, particularly after the summer season.

While the wider tourism sector is largely dependent on international in-bound tourism, every opportunity should be taken to stimulate domestic demand and activity until the full recovery of the wider hospitality and tourism sector. The Committee notes an observation from the Fáilte Ireland submission in which it is highlighted that, outside of Dublin, 66% of paid bed nights originate from the domestic market. For every 10% of spending that can be redirected toward home holidays, an extra €500,000,000 is generated for Irish tourism Small Enterprises (SMEs), thereby supporting 13,500 jobs in the sector.

Stakeholders have also recommended that a new public holiday should be put in place to extend the domestic season and thus provide autumn business to the wider tourism sector. Ireland currently has nine public holidays a year. This is at the lower end of the scale in comparison to other EU member states: Austria, Sweden, Poland, and Portugal have 13 public holidays a year; France and Germany have 11 public holidays; and both Ireland and Spain have 9 public holidays a year.

REPRESENTATION AND ENGAGEMENT ON SECTORAL ISSUES

The Committee has heard that the hospitality sector has faced some difficulties in receiving adequate supports. While state agencies such as Fáilte Ireland have a clear remit with regard to supports for the hotel sector, it was expressed by pubs and restaurants that they encountered difficulties in accessing supports, and often had to liaise with several different departments and agencies for support.

The submission of the Department observes that key stakeholders from the sector are represented on the Hospitality and Tourism Forum, which was established by Minister Martin, in conjunction with the Tánaiste and Minister for Enterprise Trade and Employment, Leo Varadkar.⁵ Its purpose is to facilitate the discussion of key issues of relevance to the hospitality and tourism sectors, with a view to identifying practical actions that could be taken by Government or by industry. The Departmental submission further notes that the Hospitality and Tourism Forum has met three times to date: in October 2020, December 2020, and March 2021.

The Committee heard that members of the hospitality sector are not represented on the boards of Fáilte Ireland or Tourism Ireland. Additionally, there are no representatives from this sector on the Tourism Recovery Oversight Group, which was established by the Minister to oversee the implementation of the Tourism Recovery Plan.

With the newly configured Department of Tourism, Arts, Culture, Gaeltacht, Sport and Media, there may be greater scope to review the agencies within its remit. The Committee recommends that the Minister review the scope of the National Tourism Development Authority Act 2003, which provides for the appointment of members to the board of Fáilte Ireland, to ensure that representatives from the hospitality sector are considered when appointments are made.

Furthermore, the Committee observes that Tourism Ireland's Board of Directors is appointed by the North-South Ministerial Council (NSMC) and represents tourism

⁵ Department of Tourism, Culture, Arts, Gaeltacht, Sport, and Media. (2021). *Hospitality and Tourism Forum* [Webpage]. gov.ie. Available from: <https://www.gov.ie/en/news/43de4-hospitality-and-tourism-forum/>

industry interests on the island of Ireland. The Committee believes that the Minister, in conjunction with her Ministerial colleagues on the NSMC, should also review the scope of appointments to the Board of Tourism Ireland to ensure that representatives from the hospitality sector are considered when appointments are made.

OUTDOOR DINING COSTS

While public health evidence has pointed to greater levels of transmission of COVID-19 in indoor spaces, this has meant that, at least in the short-term, the focus has been on re-opening businesses for outdoor dining. Stakeholders from the hospitality sector believe that this approach alone will not be enough to salvage the sector, and vintners in particular note that outdoor dining alone is not feasible.

Fáilte Ireland provided evidence to the Committee on schemes it has initiated to support businesses in their adaptation to outdoor dining. The Outdoor Dining Enhancement Scheme, which will be administered by Local Authorities, will provide funding for outdoor seating and accessories in order to help tourism and hospitality businesses offset some of the costs incurred in upgrading premises for outdoor dining and seating. Under the scheme, grants of up to €4,000 will be offered to businesses. The Outdoor Dining Enhancement Scheme is also open to Local Authorities for investment in weatherproofing and outdoor dining infrastructures, such as the development of medium- to large-scale permanent public dining spaces in towns and urban centres in preparation for receiving customers when it is safe to do so.

The Restaurants Association of Ireland told the Committee that it costs an owner around €15,000 to cover and weatherproof a 15-seat seating area outside a

premises. That amounts to €1,000 per seat in direct capital expenditure grant aid. Additionally, it was noted by stakeholders that limits on numbers of diners outside, which may follow public health guidance, could still signify that it may not be commercially viable to open. The Committee heard that trading outdoors should not be based on any set number of people but rather on the capacity to do that safely.

Vintners told the Committee that while it welcomes the opportunity to trade outdoors, the vast majority of pubs will not have an opportunity to trade in that scenario.

ISSUES WITH THE COVID-19 RESTRICTIONS SUPPORT SCHEME (CRSS)

The submission from the Department noted that, as of 22 April 2021, 148,400 claims for CRSS payments of €478.9 million in respect of 24,600 premises have been made, with €475.5 million processed in COVID-19 Restrictions Support Scheme (CRSS) payments. 41.5% of the premises have come from the tourism hospitality sector (bars, cafés, restaurants, hotels), and these premises have claimed 58.7% of all CRSS payments.

The Committee heard that, while the sector welcomed the CRSS payment and other supports, there were some outstanding issues with the scheme. It observed that many who opened their businesses just after March 2020 were not entitled to the CRSS. This had a particular impact on seasonal businesses. Another issue that was raised with the Committee was the €55,000 turnover threshold. Additionally, stakeholders told the Committee that event catering businesses did not receive any CRSS payment.

The Committee expresses concern with regard to the implementation of caps on the CRSS. The Irish Hotels Foundations told the Committee that, in Ireland, the average

hotel has 75 bedrooms. The €5,000 maximum payment is capped at 58 bedrooms, and it does not cover the average hotel. The Irish Tourism Industry Confederation has recommended that the CRSS payment be doubled for tourism businesses, alongside the removal of the current cap.

RESTART GRANT

Stakeholders representing the hospitality sector suggested that a restart grant would be required for eight weeks. The RAI told the Committee that restaurants need eight weeks' worth of CRSS payments to restock businesses, restock fridges, and meet food and drink costs.

SKILLS SHORTAGES IN THE HOSPITALITY SECTORS

Stakeholders told the Committee that there were two key issues in relation to staff retention in the hospitality industry. Firstly, international staff in the sector, who constituted a highly significant proportion of international staff across the Irish workforce, have relocated home, and have therefore been lost to the Irish industry and to the Irish economy entirely. Secondly, the Committee heard that the sector was losing staff due to extended closure of businesses.

The Committee heard that hospitality is losing staff to the retail sector and distribution in particular, and that there was also the possibility that some staff would move to the construction sector. As a result, businesses will be required to hire and train new staff. The Committee heard that the sector would need eight weeks' notice to re-establish industry operations, and to roster, (re)train, (re)skill, upskill and source staff.

In communications with the Committee, the Irish Hotels Federation outlined its findings with regard to research conducted in April 2021 to assess the recruitment and training needs of the hotel sector. As of April 2021, current employment in the hotel sector was 26,877, marking a drop of 38,650, or 59%, from employment in summer 2019. The Irish Hotels Federation reported that employment is anticipated to grow to 57,460 in summer 2021, an increase of 113% on the number working in the sector at the time of the survey.

The Irish Hotels Federation also identified projected training and upskilling needs for 29,234 staff, representing 51% of the projected sectoral workforce for summer 2021. Of these, 10,206 employees identified as requiring training/upskilling (35%) are in the food and beverage services within hotels, while 5,887 (20%) are in accommodation services within hotels.

The Committee also heard that the sector is in need of a national hospitality and tourism skills directorate for the industry. The Irish Hotels Federation noted that there are acute shortages in the sector due to unemployment or termination, and that, in addition, there has always been a shortage in chef skills.

The Committee heard the chef apprenticeship is cost-prohibitive: the Restaurants Association of Ireland told the Committee that the apprenticeship scheme is very cost-prohibitive, as, when an apprentice goes to college, the employer is required to pay the apprentice while he, she, or they attend. In other apprenticeship schemes, the State covers that cost. The cost can be between €3,000 and €6,000, depending on the number of days the apprentice is in college. The Committee heard that it is consequently very cost-inefficient for businesses and therefore not fit for purpose.

Stakeholders noted that there is a two-tier system in operation in respect of apprenticeship programmes. There are both old and new apprenticeship systems. Under the new system, employers are obliged to pay for the off-the-job element as well as the on-the-job element.

Stakeholders emphasised that it is important that a hospitality and tourism skills directorate be set up to co-ordinate all skills for the sector; this could be a unit within SOLAS, or it could be a reconstituted CERT or equivalent. The need for one organisation to assume responsibility for tourism and hospitality training was noted by the Committee.

Fáilte Ireland say that staff recruitment is a significant concern, and the focus now for businesses is on preparation for the reopening of the tourism and hospitality sector. It notes that it is delivering strategies and working closely with industry, education providers, and other State agencies to address the recruitment and retention challenges.

The Committee recognises ongoing difficulties experienced by some workers in the sector due to low pay and poor conditions and is supportive of all efforts to increase wages and improve working conditions for workers in tourism and hospitality. It also recognises the impact that this has had on staff retention in the sector. The Committee recommends that the Department conduct a review of this issue and provide a report to the Joint Committee within 6 months.

EMPLOYMENT WAGE SUBSIDY SCHEME (EWSS)

The submission from the Department demonstrates that, as of the end of March 2021, employers from the accommodation and food services sector claiming the

EWSS represented 14% (4,928 employers) of all employers claiming the payment. The number of employees from the same sector claiming the EWSS represented 16% (55,376) of all employees claiming the payment.

Stakeholders from the hotels sector observed to the Committee that there was an urgent need to extend the EWSS until normal level of business resume.

REFORM OF LICENSING LAWS

The Committee heard that the hospitality sector wishes to see a change to the licensing laws. Hotels observed the need for reform in the context of bar exemptions for special functions. Vintner representatives also observed that the regulatory framework for late night trading is prohibitive, bureaucratic, and expensive. The sector needs an opportunity to recover from great losses and closure.

The Committee heard that there has been a huge decrease in the number of nightclubs. Twenty years ago, there were 500 nightclubs in the State. Now, the figure stands at 100.

The Committee heard that the Night-time Economy Taskforce, established by the Minister of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, was considering the issue. Vintners told the Committee that it has called for 5 a.m. trading to be available seven nights a week in the Irish capital city, under strict licensing conditions, and for trading to become available for significantly extended hours.

Vintners noted that the special exemption order process, in terms of cost and bureaucracy, is entirely outdated and will inhibit recovery of the sector. Vintners also expressed concern about new formal licencing for cultural venues, and observed that

there should be a level playing field with respect to the selling of alcohol, calling for the same licensing and the same costs for all involved.

The Committee heard that the cost of operating nightclubs had become prohibitively expensive due to the cost of insurance, and that insurers have had an absolute aversion to dealings with the night-time economy and anything related to alcohol.

The Committee heard from a publican who had exited the late-night trade due to the cost of insurance, as the cost had risen from €7,000 to €47,000 over a seven-year period. A further discussion of redeveloping the night-time economy and licencing laws follows on page 34.

VAT RATE

The Committee heard that it was important that the 9% VAT rate be maintained: stakeholders from the sector noted that it was vital that the VAT rate remain in place until at least 2025.

Fáilte Ireland remarked that businesses need clarity on long-term planning from Government on fiscal commitments, such as VAT rates, to enable them to plan with confidence and accept bookings. Business deals are made many years in advance in some cases, particularly in business and events tourism and in the entertainment sector. Clarity on long-term economic commitments can offer hope, and ensure—for as many tourism and hospitality businesses as possible—not only survival through the COVID-19 pandemic, but also success in the long term.

OTHER ISSUES

The Committee heard of ongoing issues in the hospitality sector as a result of the price of insurance and personal injury claims. Stakeholders told the Committee that

insurance reform was necessary, and asked the Committee to support the recommendations of the Alliance for Insurance reform: these related to the restructuring of the Personal Injuries Assessment Board, as well as to the establishment of the Garda fraud squad, among other issues. Stakeholders told the Committee that insurance companies are not paying out on businesses' interruption claims.

Other ongoing issues include the regulatory environment in which the restaurant industry operates. The Restaurants Association of Ireland told the Committee that there are 22 different licences which pertain to the sector. It told the Committee that the process for applying for licences, such as the outdoor seating licence, should be simplified, uniform across the country, and moved online. It said that all levies should be abolished while the COVID-19 crisis continues.

Stakeholders also note that another issue currently facing the hotel sector is the inflexibility regarding pass-through charges, whereby an 80-bedroom hotel could be paying €2,500 per week in pass-through charges for water and electricity.

Furthermore, the Committee heard that the Commission for Regulation of Utilities operated a temporary supply suspension scheme from 1 May 2020 to 31 July 2020. Within that scheme, 200,000 electricity customers and 27,000 gas customers would have been eligible to apply for this support. Of the 27,000 gas customers, only one in 12 availed of it, and, of the 200,000 eligible electricity customers, only one in 20 availed of it. The scheme was later discontinued due to a lack of uptake.

The Committee heard this may have been, in part, due to customers not being aware of the availability of the scheme. Stakeholders told the Committee that some

publicans applied for the suspension scheme but were rejected, as families living on the premises of a business were ineligible for the scheme.

RECOVERY OF THE WIDER TOURISM SECTOR

With regard to recovery within the broader tourism sector, Tourism Ireland's submission to the Committee notes that it welcomes the introduction of the European Commission's "Digital Green Certificate", and that it should assist in ease of travel when it is safe to do so. Tourism Ireland highlights the importance of the restoration of air connectivity as part of recovery.

Tourism Ireland observed the need for a timeline or roadmap for allowing non-essential inbound travel. It said the industry needs a degree of certainty that inbound tourism will begin this year and a timeline to work towards restarting. It further observed that it is not possible to start attractions, staff hotels, re-establish air routes, or undertake sales and marketing activity with no lead time.

Moreover, Tourism Ireland noted that current restrictions, including quarantine, will need to be eased for tourism to restart. This will depend on three key factors: the epidemiological situation, vaccination rates, and variants of concern. The epidemiological situation needs to be positive—both on the island of Ireland and in Ireland's source markets—for tourism to restart effectively. The submission outlines the key principles behind a framework for recovery, which is a three-phase plan to restart, rebuild, and ultimately redesign demand for Irish tourism in overseas markets.

IMPACT OF COVID-19 ON THE ENTERTAINMENT SECTOR

OVERVIEW

The Committee acknowledges that the creative sector has been devastated by the COVID-19 pandemic. Social distancing, travel restrictions, and the full closure of indoor and outdoor events have severely impacted the arts, culture, live entertainment, and events sectors. Evidence provided to the Committee indicates that the events sector accounts for 90% of the 5 million tickets sold in Ireland each year, contributing over €3.5 billion to the national economy. It is estimated that for every €1 spent on a ticket, an additional €6 is spent in the wider tourism economy.

A report commissioned by The Arts Council in October 2020, *Employment and Economic Impact Assessment of COVID-19 on the Arts Sector in Ireland*, indicated that, of the 55,000 workers in the sector, 58% are currently wholly reliant on the Pandemic Unemployment Payment or Employment Wage Subsidy Scheme.

Further evidence provided to the Committee demonstrated that creative spaces are now under threat, as business owners and landlords may consider more financially viable uses for these spaces.

The Committee believes that a vibrant entertainment sector and the rejuvenated night-time economy will play a vital part in the regeneration of the country as Ireland gradually eases restrictions related to COVID-19. Ensuring adequate and strategic supports for businesses for the sector will be essential in order to guarantee a thriving entertainment sector in the future. This, in turn, will support the hospitality sector and tourism sector, as visitors and tourists return to visit concerts, shows,

festivals, and night clubs, and experience the true wealth of creative talent that exists in Ireland.

SUPPORTS FOR THE ENTERTAINMENT SECTOR

Stakeholders acknowledge the importance of COVID-19 support measures established by the Government across the wider business community, including the Pandemic Unemployment Scheme and the Extended Wage Subsidy Scheme, in addition to increased mental health supports and increased funding for the Arts Council.

As of 14 July 2021, sector-specific COVID-19 supports that have been provided to the music industry include the Live Performance Support Scheme (LPSS), the Music Industry Stimulus Package, and Broadcasting Authority of Ireland funding.

The Arts and Culture Recovery Taskforce published a report in November 2020: *Life Worth Living: The Report of the Arts and Culture Recovery Taskforce*. The report made ten (10) recommendations to aid the survival of the arts and culture sector during COVID-19. An oversight group has also been established to monitor implementation of the recommendations of the report.

Stakeholders across the sector outlined the need for further supports to ensure the survival of the sector. Some of these range from medium-term to long-term supports.

Several key concerns and issues emerged from the exchange between the witnesses and the Committee including, but not limited to:

- developing a night-time economy post-COVID-19;
- skills shortages and displacement of staff from the sector;

- revenue loss for artists;
- scrutiny of COVID-19 supports provided to the sector;
- Universal Basic Income for creative workers; and
- reopening of the sector.

ISSUES ARISING FROM ENGAGEMENT WITH STAKEHOLDERS

DEVELOPING A NIGHT-TIME ECONOMY POST-COVID-19

This Committee strongly believes that the development of nightlife and the night-time economy is an essential part of the stimulus needed in the hospitality and entertainment sector. This should be fast-tracked in time for the full reopening of the economy. The report of Night-time Economy Taskforce should also be acted upon with urgency when finally published. In the Committee's view, this should include: extended trading hours in line with European neighbours; simplifying the licensing regime and transferring responsibility for licensing from the courts to Local Authorities, in partnership with An Garda Síochána; and enabling creative spaces, and non-commercial spaces, the flexibility to open through the night.

The Committee was informed that the Department has established a Night-Time Economy Taskforce that is comprised of stakeholders from the sector. The submission of the Department says that this taskforce has conducted an intensive stakeholder engagement process, involving in the region of one hundred (100) stakeholders from community organisations, business and industry, civic society, the cultural sector, and sporting organisations. The Taskforce is currently finalising a report with practical recommendations, and it is expected that this report will shortly be submitted to the Minister.

Stakeholders noted to the Committee that they support the re-examination of night-time licensing laws. The Irish Music Rights Organisation told the Committee that the public are demanding greater flexibility in what is open, in when it is open, and in how they can socialise and enjoy urban space. Give Us The Night observed to the Committee that, when nightlife resumes, there will be a new level of engagement in the night-time economy that perhaps was not there a couple of years ago. The Committee heard that flexibility in respect of opening hours, and in respect of the creative spaces being used, needs to be considered, alongside the fact that not all late-night events are required to include the selling of alcohol. Simplification of the licencing process was also seen to be key, in addition to funding at Local Authority level.

The Committee observes that the development of a policy on evolving a night-time economy is occurring at a crucial moment, as the State is trying to encourage the population to relocate once more to town centres. Engagement with Local Authorities is key to ensure that planning laws are addressed as part of this reform. Similarly, other issues must be considered, including the provision of adequate public transport at night, and consultation with An Garda Síochána to ensure this is all safely conducted.

Give Us the Night told the Committee that it had contributed to the Dublin City Council Development Plan, and added that the preservation of space is another matter for development plans. The group told the Committee that spaces must be preserved so that they are not demolished and redeveloped.

The Committee heard that there had been discussion on the establishment of a “Night Mayor” in major cities as part of redeveloping a night-time economy. Give Us the Night said it was important that such a role would not be solely based on the economic aspect of night-time cultural activity, but also on the cultural development aspect. The structure of such a role would also require consideration. Evidence has shown that, in other cities, such a role is likely too expansive for one individual to fulfil. Give Us The Night indicated that it was likely that, if such a role were to be established in Ireland, there would be pilots of this idea in different parts of the country, and that such a role or group would also be established in Dublin.

Furthermore, The Committee heard that it was important to include local businesses, such as restaurant groups, in addition to residents, business groups, health officials, and An Garda Síochána to ensure the success of any future schemes.

SKILLS SHORTAGES AND DISPLACEMENT OF STAFF FROM THE SECTOR

The Event Production Industry COVID-19 Working Group (EPIC WG) told the Committee that substantial numbers of people are leaving the events industry. It notes that many of those working in their sector are specialists in lighting, sound, and construction: many of these have gone to work in steel construction and on building sites. EPIC WG noted that it was unclear, at the time of presenting to the Committee, whether these specialists will return to the sector. Stakeholders expressed concern that sound engineers and other skilled workers may seek work abroad.

In addition, the Committee heard that there was a need for increased long-term support for music education, as well as for the professional development of musicians and other specialists in the sector.

REVENUE FOR ARTISTS

The Committee heard that revenue for songwriters, composers, and music publishers had decreased by 30% as a result of the COVID-19 pandemic. This was attributed to a large decrease in the performance of music at live events, cinema, and general entertainment events, where performance royalties had decreased by almost 70%.

The Committee heard that one method of rebalancing revenues for creative artists was through the implementation of the EU Directive 2019/790: Copyright and Related Rights in the Digital Single Market. The Irish Music Rights Organisation noted that it was crucial that this Directive be implemented before the deadline for transposition on 7 June 2021.

The Committee wholeheartedly supports the implementation of the EU Directive 2019/790: Copyright and Related Rights in the Digital Single Market, and believes this measure will help rebalance the rights of artists in the digital era.

On the issue of revenue streams from live events, the Irish Music Rights Organisation told the Committee that a consultation process on live stream tariffs was underway with stakeholders in the sector. The organisation also told the Committee that it was monitoring the development of Non-Fungible Tokens as a method through which musicians and artists could generate more income.

Furthermore, the Committee heard that providing RTÉ with investment to develop its online presence to a much greater degree could create a portal for cultural and creative content, and, in turn, increase royalties and sales for musicians and songwriters.

SCRUTINY OF COVID-19 SUPPORTS

Stakeholders told the Committee that the Pandemic Unemployment Payment (PUP) and the Employment Wage Subsidy Scheme (EWSS) had helped significantly to protect existing employment. However, the Event Production Industry COVID-19 Working Group (EPIC WG) noted that some businesses in the events sector were reaching a point where, due to issues with fixed costs, they could not afford wages in order to claim them back through the EWSS.

EPIC WG told the Committee that, of those who had not been able to access support, supplier Small Enterprises (SMEs) constituted the largest cohort. Only 4% of supplier SMEs were able to access the COVID Restrictions Support Scheme (CRSS) in its current format. EPIC WG further noted that sound and audiovisual suppliers, as well as those who supply fences, barriers, queueing systems, ticket checking systems, scanning systems, or stewarding security, may not have premises, and, in particular, may not have public-facing premises in many cases. EPIC WG noted the costs in storing lighting and sound equipment, including rent, insurance, and loans. It told the Committee that the average fixed costs for those 285 companies were €3,500 per week, and that they have been paying that amount for the past 52 weeks without support.

The Music and Entertainment Association of Ireland (MEAI) submission also highlights similar issues with accessing the CRSS payment, and note that, in Northern Ireland, a more flexible approach was taken whereby all business models and structures were considered in developing schemes to support businesses during the COVID-19 pandemic.

The Committee also heard that supplier SMEs were also unable to avail of waivers of Local Authority rates, due to the fact that 50% of them do not pay rates directly, but rather via a rate-rent bundle with their landlord, or they use premises that are shared tenancies.

EPIC WG told the Committee that it has engaged with the Department of Enterprise, Trade and Employment on these issues in the attempt to develop a scheme that specifically targets those businesses.

The Committee heard that the approach taken in funding the entertainment sector during the COVID-19 pandemic focused partly on the funding of streaming online events. Stakeholders told the Committee that these events were useful as they reduced pressure on venues, and they also welcomed funding for initiatives such as sound-proofing grants. However, they noted that significant work goes into producing a livestream, and it was not always apparent from feedback that this approach worked in every case.

The Irish Music Rights Organisation told the Committee that the Live Performance Support Scheme (LPSS) should be available to as wide a cohort of venues, promoters, and individual artists as possible. EPIC WG told the Committee that the finalised scheme was successful, and much larger in scope than the original pilot scheme. It said that hundreds of hours of work were given to technical staff and artists as a result.

EPIC WG told the Committee that live music has been well-represented in the earlier scheme, but that other sectors may not have been as quick to respond, and were

thus not as well-represented. EPIC WG was hopeful, however, that other parts of the industry would avail of the latest funding round of the LPSS.

In its submission to the Committee, the MEAI noted that the PUP offers recipients an extra layer of protection, compared to Jobseeker's Allowance, particularly in regard to mortgages, insurance, etc. This characteristic of the scheme, the Committee has heard, needs to be protected for its recipients.

With regard to PUP rates for the self-employed, the MEAI noted that an overlap exists between legitimate business expenses and personal earnings. Basing the rate of PUP on previous earnings for the self-employed does not consider this issue. For the PUP to be based solely on a calculation of net income ignores the fact that a self-employed person still has to pay these ongoing costs if they are to be in a position to continue with the business when activity resumes in the sector.

Stakeholders have also highlighted issues with accessing payment breaks from financial institutions. The MEAI submission highlights that banks seek information on future projections for the business. Given the uncertainty surrounding the reopening of the entertainment sector, the MEAI remarked that it is impossible for businesses in the sector to be considered for a payment break.

UNIVERSAL BASIC INCOME SCHEME FOR THE ARTS SECTOR

The recommendation for a Universal Basic Income pilot scheme for artists was a recommendation of the Arts and Culture Recovery Taskforce, and was also noted in the programme for Government.

Stakeholders told the Committee that the concept of a Universal Basic Income scheme was worth examining in further detail, and that it would be worth having a

pilot scheme for a period of three years. Stakeholders noted that there was a need for the scheme to be as inclusive as possible to allow for comparison with international peers.

REOPENING OF THE SECTOR

Stakeholders from the music and entertainment sector express concern that the sector has largely been ignored in the creation of guidelines for the phased reopening of industries and sectors. They also noted that there is some level of ambiguity as to which Department is responsible for formulating guidelines for this sector.

The Committee heard that a taskforce is to be established to deal with the reopening of venues and events. Stakeholders told the Committee it was imperative that music, late-night venues, and nightclubs, as well as representatives from the music and entertainment sector, would be included in any plan for reopening.

Stakeholders told the Committee that, in the same way that outdoor sports and outdoor exercise could be viewed as safe activities, entertainment and cultural activity could be viewed as safe. Stakeholders observed that there was a need for a constructive approach, and that consideration should be given to trials and experiments for performances and, more generally, the safe reopening of the sector.

Stakeholders expressed concern that a divergence in policies with those in Northern Ireland could signify that consumers would travel to Northern Ireland to attend live entertainment and events over the summer months.

Stakeholders also expressed concern about the ongoing cost of insurance for venues. Give Us the Night noted that premiums had risen over the past number of

years, and that many providers of late-night entertainment had consequently left the business.

APPENDIX 1

LIST OF WITNESSES

Date	Witnesses
<p>23 March 2021</p> <p>The impact of COVID-19 on the hospitality sector.</p>	<p>Licensed Vintners Association</p> <ul style="list-style-type: none"> • Mr Donall O’Keefe <i>CEO</i> • Mr Noel Anderson <i>Vice-Chair</i> <p>Opening Statement</p> <p>Vintners Federation of Ireland</p> <ul style="list-style-type: none"> • Mr Padraig Cribben <i>Chief Executive</i> • Mr Padraic McGann <i>National President</i> <p>Opening Statement</p> <p>Irish Hotels Federation</p> <ul style="list-style-type: none"> • Mr Tim Fenn <i>CEO</i> • Ms Elaina Fitzgerald Kane <i>President</i> <p>Opening Statement</p> <p>Written Submission</p> <p>Restaurants Association of Ireland</p> <ul style="list-style-type: none"> • Mr Adrian Cummins <i>CEO</i> • Mr Mark McGowan <p>Opening Statement</p> <p>Written Submission</p>

30 March 2021

[The impact of COVID-19 on the entertainment sector.](#)

Irish Music Rights Organisation

- Mr Victor Finn | *CEO*
- Mr Keith Johnson | *Director of Marketing and Membership*

[Opening Statement](#)

Give Us The Night

- Mr Sunil Sharpe | *Founder*
- Mr Robbie Kitt | *Spokesperson*

[Opening Statement](#)

Event Production Industry COVID-19 Working Group

- Mr Liam Fitzgerald | *Chairperson of the Association of Irish Stage Technicians*
- Ms Kim O'Callaghan | *Project Manger and Deputy Event Controller with MCD Productions*

[Opening Statement](#)

[Written Submission](#)

23 June 2021

[The impact of COVID-19 on the music and entertainment sector.](#)

Music and Entertainment Association of Ireland

- Mr Jackie Conboy | *Co-Founder*
- Mr Matt McGranaghan | *Representative*

[Opening Statement](#)

[Written Submission](#)

30 June 2021

Treyvaud's Restaurant

[The impact of COVID-19 on the hospitality sector.](#)

- Mr Paul Treyvaud | *Owner*
[Opening Statement](#)

APPENDIX 2

LIST OF SUBMISSIONS

Submissions were received from the following stakeholders, and these submissions have been uploaded to the Oireachtas website:

1. [The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.](#)
2. [Fáilte Ireland.](#)
3. [Tourism Ireland.](#)
4. [The Tourism Recovery Oversight Group.](#)
5. [The Tourism Industry Confederation.](#)
6. [The Association of Visitors Experiences and Attraction.](#)
7. [The Music and Entertainment Association of Ireland.](#)

APPENDIX 3

TERMS OF REFERENCE

FUNCTIONS OF DEPARTMENTAL COMMITTEES (DERIVED FROM STANDING ORDERS – DSO 95 AND SSO 71)

(1) The Select Committee shall consider and report to the Dáil on-

(a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—

(a) Bills,

(b) proposals contained in any motion, including any motion within the meaning of Standing Order 220,

(c) Estimates for Public Services, and

(d) other matters as shall be referred to the Select Committee by the Dáil, and

(e) Annual Output Statements including performance, efficiency and effectiveness in the use of public moneys, and

(f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) Without prejudice to the generality of paragraph (1), the Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

- (a) matters of policy and governance for which the Minister is officially responsible,
- (b) public affairs administered by the Department,
- (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
- (d) Government policy and governance in respect of bodies under the aegis of the Department,
- (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
- (f) the general scheme or draft heads of any Bill
- (g) scrutiny of private members' Bills in accordance with Dáil Standing Order 178, or detailed scrutiny of private members' Bills in accordance with Dáil Standing Order 161
- (h) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
- (i) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
- (j) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(k) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and

(l) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—

(a) EU draft legislative acts standing referred to the Select Committee under Dáil Standing Order 133/Seanad Standing Order 116, including the compliance of such acts with the principle of subsidiarity,

(b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,

(c) non-legislative documents published by any EU institution in relation to EU policy matters, and

(d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) Where the Select Committee has been joined with a Select Committee appointed by Seanad Éireann, the Cathaoirleach of the Dáil Select Committee shall also be the Cathaoirleach of the Joint Committee.

(7) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

(a) members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

(b) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and

(c) at the invitation of the Committee, other members of the European Parliament.

(8) The Joint Committee may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—

such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

(b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided provisions of Dáil Standing Order 130/ Seanad Standing Order 113 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

SCOPE AND CONTEXT OF ACTIVITIES OF COMMITTEES (DERIVED FROM STANDING ORDERS – DSO 94 (2), SSO 70)

The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil/and or Seanad;

The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 218/Seanad Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993;

The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Dáil Standing Order 125 (1))/Seanad Standing Order 108(1);

and

The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

- (i) a member of the Government or a Minister of State, or
- (ii) the principal officeholder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Cathaoirleach may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Cathaoirleach of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Standing Order 35. Cathaoirligh of Select Committees shall have responsibility for compliance with this instruction.

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