

# Have your Say- Open Consultation on the Review of Alcohol Licensing

## *What is this about?*

The Programme for Government commits to ‘modernising our licensing laws and application processes’ and the Justice Plan 2021 commits to reviewing and modernising alcohol licensing. In addition, the issue of outdated alcohol licensing legislation was a key challenge identified by stakeholders in the recently published report of the Night-Time Economy Taskforce.

Therefore, the Minister intends to modernise alcohol licensing laws through the Sale of Alcohol Bill. The existing laws governing sale and regulation of alcohol in Ireland have been rooted in principles of the transparent regulation and administration of licensing, the importance of public health and the maintenance of public order. These principles will underpin this reform process.

## *What are we consulting on?*

Legislation governing the sale, supply and consumption of alcohol in licensed premises are set out in the Licensing Acts 1833 to 2018 and in the Registration of Clubs Acts 1904 to 2008. The resulting licensing code is fragmented, complex and out of date in many respects. The objective of the proposed Sale of Alcohol Bill is to repeal the Licensing Acts and the Registration of Clubs Acts and to replace them with updated and streamlined provisions more suited to the 21<sup>st</sup> century. It is also the intention to repeal the Public Dance Hall Act 1935.

Codifying alcohol licensing law into a single Act will make it more accessible and user-friendly for the licensed trade, courts, Gardaí and the public. Any changes in alcohol licensing laws must be balanced with the need for regulation in the public interest, in particular public health and public order. Reforms will be developed with a supportive approach to businesses, and the interests of public health, consumers and communities will be central.

An initiative on reforming this legislation was undertaken in 2005. The resulting draft General Scheme on the Sale of Alcohol Bill requires updating to reflect more recent developments and revised approaches.

## *What we are asking you to do?*

We invite you to complete the survey at the link below to share your views. You may do so completely anonymously and in confidence.

You may also provide details of any other aspects of licensing laws that you believe should be changed or added. Any relevant evidence that you think should be considered by the Department in relation to the impact of current or proposed licensing laws may also be submitted.

The aims of this open consultation are to determine public opinion on current alcohol licensing laws, seek views on the changes required, and elicit suggested solutions to ensure Ireland has a modern and streamlined licensing framework to respond appropriately to changing expectations and lifestyles.

Interested individuals, groups and organisations may complete the online survey and, if you wish to do so, may send any additional materials by email to [AlcoholLicensingConsultation@justice.ie](mailto:AlcoholLicensingConsultation@justice.ie).

To assist the Department in analysing the responses received, it would be helpful if responses to survey questions and any additional materials submitted could set out the reasons for the views expressed and provide any available evidence on the need for proposed changes, and on their likely

impact. It is also asked that you indicate clearly what aspect(s) of the alcohol licensing system you are addressing in your response.

***What will happen to what I say?***

All of the responses received in relation to this survey and any other materials submitted will be reviewed by the Department when considering how best to draft the legislation to reform Ireland's alcohol licensing laws.

In due course, the Department will publish, on its website, a summary of the survey results and may also publish a copy of any responses/submissions/materials received. The Department may also receive requests for disclosure of such responses/submissions/materials under the Freedom of Information Act 2014.

It is, therefore, in your interests to highlight at the time of response/submission any information which you consider to be commercially sensitive, or to contain private, personal or confidential material, and to specify the reasons for its sensitivity/confidentiality.

In relation to materials submitted via the email address provided, and where possible and appropriate, the Department will consult with respondents regarding information identified by them as sensitive, before making a decision on a response to a related Freedom of Information request. The Department will treat any personal information received in accordance with the provisions of the Data Protection Acts.

## Survey Questions

### 1. General Information

Please indicate if you are responding to this survey as:

- an Individual
- an Organisation (please specify)  
\_\_\_\_\_
- an Industry representative (please specify)  
Restaurants Association of Ireland
- an Academic
- a Health professional
- Other (please specify)  
\_\_\_\_\_

### 2. Licensing application systems

At present some alcohol licensing applications are made to the District Court, while others are made to the Circuit Court. The Circuit Court is involved in the majority of new applications. There is a proposal to streamline court involvement so that all court licensing matters (in relation to alcohol) are entrusted to the District Court.

**What are your views on the existing licensing system? Do you think that all licensing matters should be dealt with by the District Court?**

**How can the alcohol licensing application process be improved? What is your experience of using online application forms and online payment systems? Are there related improvements which you would like to suggest with regard to the alcohol licensing application process?**

A complete overhaul of the current licensing application system is needed. In its current form it is too laborious and requires the services of the legal profession annual and is blocking up the courts. The Restaurants Association of Ireland would recommend the removal of the licensing application from the courts except in instances of abuse. In place of a court-based application process the establishment of a HSE led register akin to Tobacco register / FSAI. The Tobacco register issued licenses for the sale of controlled substances so there should be a similar body for alcohol licensing.

The place for the Courts and the local Garda Superintendent will be to intervene if inspection or suspension needed of an alcohol license should the holder be suspected of misuse.

It should be noted that there are currently 20,000 food business in the country who should all have the opportunity to avail of the licensing application process for the sale of alcohol.

There is a glaring need for a register with a state or semi state body of food businesses. Currently the Food Safety Authority of Ireland (FSAI) through the HSE has a register, with there being a legal requirement for food safety reasons for businesses to register, however businesses are categorized by risk rather than food service activity. The categorisation of food businesses currently relies solely on the NACE at a CSO and Government Department level which is limited in its specificity. In contrast all Hotels are registered through Failte

Ireland annually and all Pubs / Nightclubs are registered with Revenue through alcohol licensing. A register of food businesses broken down by categories is required such as full service restaurant, café, gastropub, food serving pub, food to go, deli, quick food service and takeaway. This would better facilitate a myriad of Government services and supports, including but not limited to; work permits, economic reports, licencing for Fats, Oils and Greases and water, government supports linked to COVID, reports regarding skills and economic input etc.

### 3. Categories of licence

There are many different types of alcohol licences available in Ireland; the variety of alcohol licences that a venue or premises selling alcohol can have is quite broad. It is intended to streamline and re-categorise the types of alcohol licences available to establishments to ensure a more straightforward, open and coherent process while still ensuring that the sale of alcohol can continue to be controlled appropriately.

**What categories of licences would you like to see in operation? Is there a need for streamlining? If yes, when, what and where would you streamline?  
How could alcohol licences improve the cultural offerings available throughout the country?**

Regarding on-trade licensing there needs to be streamlining of the system. We acknowledge currently that the Special Restaurant Licence states the premises must not contain a bar however with pubs now engaging with food offerings having to adapt following COVID restrictions it would make more sense to permit premises to have a bar counter so that businesses can adapt in their offering of food with drink.

Extension of possible trading hours for a food-based premises with an alcohol licence to coincide with the development of a Night Time Economy – not to be through SEO but a specific late night licence applied for annually.

Retain a broad licence type for establishments serving alcohol accompanying food.

7 Day Pub Licence should be retained but there needs to be deregulation with no quota or restriction on the number of licences whilst protecting the current value of licence.

Restaurant Certificate should be issued as a standalone licence and not linked to the wine-on licence. It should also not require declarations regarding specifics of the premises save for fire safety data – to facilitate this as mentioned above there should be a detailed register of food businesses including their type i.e. sit-down restaurant / café / food to go / takeaway.

Special Restaurant licence should be retained regarding the provision of alcohol types however premises having a bar should be permitted to retain such a licence this provides the option for diversification into food for many bars currently and promotes the serving of alcohol with food.

There should be a standard Special Restaurant Licence with current trading hours and also a separate Special Restaurant Licence offering extended trading hours in line with the plan for a Night Time Economy.

#### **4. Public Health**

Ireland, in common with many other jurisdictions, has traditionally implemented its alcohol licensing requirements with due cognisance given to public health concerns (such as the proven adverse health effects of over-consumption of alcohol, the need to restrict the availability of alcohol to under 18s, public order and public safety, etc.).

**In your opinion, how best can a public health approach inform the reform of alcohol licensing laws?**

From a public health perspective the provision of alcohol for extended hours in regulated and controlled environments is preferable to consumption in other uncontrolled environments i.e. in the home.

As part of HACCP training which is a requirement for all staff working in a business supplying and serving food, we would welcome a regulation to include a module in that certification that covers the Responsible Sale and Service of Alcohol.

#### **5. Nightclubs, late bars and Special Exemption Orders**

Nightclubs and late bars operate on the basis of special exemption orders which are obtained from the District Court for premises to which an on-licence is attached. Such special exemption orders were originally intended for when a “special occasion” is taking place on the premises. However, in practice, a special exemption order is required for each and every late-night opening. A special exemption order expires at 2.30 a.m. (1.00 a.m. where it extends to a Monday that is not a public holiday) unless the District Court, for stated reasons, grants the order for a shorter period. The cost of a special exemption order is €410 (i.e. €300 court fee and €110 excise duty).

**What are your thoughts on this system (i.e. Special Exemption Orders)? What changes, if any, would you like to see made in this regard?**

As mentioned, later trading licences should be issued on an annual basis and depending on the licence type sought.

#### **6. Trading Hours**

Under current licensing law, a licence permits the sale of alcohol during the following hours:

- Monday to Thursday: 10.30 a.m. to 11.30 p.m.
- Friday and Saturday: 10.30 a.m. to 12.30 a.m. on the following day
- Sunday: 12.30 p.m. to 11.00 p.m.

(Drinking-up time of up to 30 minutes after normal closing hours is permitted.)

**Do you think the current permitted hours for licensed premises are appropriate? What changes, if any, would you make? Please explain why.**

In line with the need for a Night Time Economy provisions should be made for a variety of business types including food and non- food serving premises to provide services beyond the current licencing hours of 12:30am.

**7. Extinguishment requirement**

A notable aspect of the current licensing system is the requirement that an existing public house licence must be extinguished in order that a new public house licence or full off-licence may be granted.

**Do you think the current law regarding the extinguishment requirement is appropriate? Would you like to see this mechanism retained? Are there any changes you would like to see made to this requirement? Please explain why.**

There should no longer be a limitation on public house licences instead the provision of 7-day pub licences should not be capped but issued based on the population density in the locale and trade type – i.e. a tourist location would see a seasonal influx in the population which should be taken into account when issuing such licences.

Pubs are a vital part of the rural community and there should be an opportunity to re-instate a previous pub licence that existed in a town

**8. Online/Delivery Sales**

There is no dedicated licence for online sales or the delivery of alcohol, but licensees of licensed premises may engage in such sales subject to certain conditions.

**Do you think this current legislative/licensing system is appropriate? What, if any, changes would you make?**

Any licence permitting in person sale / on trade of certain alcohol items and to a certain time should permit the holder of that licence to operate sale of that same alcohol product for the same time restrictions for online sales and delivery.

**9. Additional comments**

**Is there anything else you would like to say, or which you feel is important to highlight? (If you are answering on behalf of an organisation, please indicate which one.)**