



# Summary Report of the Responses to the Public Questionnaire on the Reform of Alcohol Licensing

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## Overview

The Programme for Government included a commitment to modernise licensing laws and application processes. This was reflected in the Justice Plan 2021 which included a commitment to review and modernise 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 In addition, the issue of outdated alcohol licensing legislation was a key challenge identified by stakeholders in the recently published report of the Night-Time Economy Taskforce.

The Minister for Justice, Helen McEntee, T.D, has expressed her intention to modernise alcohol licensing laws through the Sale of Alcohol Bill. The existing laws governing the sale and regulation of alcohol in Ireland have been rooted in the 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.

Legislation governing the sale, supply and consumption of alcohol in licenced premises is 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 The resulting licensing code is fragmented, complex and out of date in many respects.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 21st 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 licenced 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.

In preparation for reform in this area, an open consultation on the review of alcohol licensing laws ran from 25 November 2021 to 21 January 2022. The consultation invited respondents to look at how best to update the existing laws governing the sale and regulation of alcohol in Ireland. The aims of the open consultation were 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.

The public was invited to engage with the consultation via two channels - by responding to an online questionnaire accessed via the Department's website and/or by making a written submission to the Department. The scale of the response to both the questionnaire and the request for submissions was extremely significant and reflects the importance of the issues raised by this reform process.

A total of 1,994 written submissions on the reform of the sale of alcohol were sent to the Department. A selection of the submissions will be published on the website of the Department of Justice.

Similarly, a very large number of people engaged to some degree with the online questionnaire. Over 12,000 respondents initiated a response to the online questionnaire although only 4,333 of these answered a significant number of the questions. The analysis of the survey results has therefore been based mainly on this smaller number of respondents.

The vast majority of respondents indicated that they were responding as individuals but there were also respondents drawn from among industry representatives, academics and health professionals.

It is important to note that the respondents to the questionnaire were self-selecting. For this reason, it is not possible to say that the responses given in to the questions and issues raised in the questionnaire are indicative of the experiences of the population as a whole. It is naturally the case that those who are most motivated to engage with this subject will feature most heavily among the respondents. In putting together a report on the responses given by those who have engaged significantly with the questionnaire, an emphasis has been placed on reflecting the broadest possible range of views to reflect the variety of responses and wide engagement on this issue.

This report deals with each of the subjects addressed in the survey. The full list of questions that were posed has been included in the annex. Highlighted below are a range of issues and concerns that were raised frequently by respondents when they engaged with the following topics: licensing application systems, categories of licences, public health, nightclubs, late bars and Special Exemption Orders, trading hours, the extinguishment requirement, and online and delivery sales. Additional comments made by respondents are also reflected in the analysis carried out below.

## **Licensing Application Systems**

Respondents were asked their views on the current licensing system. A very significant number of respondents felt that the system was “outdated”, with others expressing dissatisfaction in relation to opening hours, the costs involved or the way the court system operated. Other respondents described the system as restrictive, punitive or too rigid.

Respondents were asked whether the licensing system should remain with the District Court. It was noted that, at present, some alcohol licensing applications are made to the District Court, while others are made to the Circuit Court, but that there was a proposal to move most licensing matters to the District Court. There was strong support for moving most licensing applications to the District Court. However, a similarly large number of respondents indicated that they did not wish to see the majority of licensing matters dealt with in the District Court.

Some responses also suggested the development of an independent commission or body to deal with licensing matters while others believed that the public should have a greater input.

When asked how the process could be improved, issues relating to cost and opening hours were raised by many respondents whilst a significant number of others placed an emphasis on speeding up and simplifying the process as well as bringing it in line with the rest of Europe. The greater use of online forms was also suggested as a possible improvement with many respondents indicating that they had positive experiences with online services.

A number of responses referred to the need to diversify the application process in relation to separate licences for different types of venues, with a minority also calling for a wider selection of venues being permitted to serve alcohol; businesses such as cafés and cinemas were specifically referred to in a number of responses. Several respondents referenced the need for a longer time between licence renewals or suggested an annual renewal.

## Categories of Licences

The questionnaire noted that there are many different types of alcohol licences available in Ireland and that the intention of the reform process is to streamline and re-categorise licence types to ensure a more straightforward, open and coherent process while still ensuring that the sale of alcohol can continue to be controlled appropriately. Respondents were asked to share their views in this regard.

A number of key themes emerged regarding the categories of licences respondents would like to see in operation. Significant among these were the type of venue associated with the licence, the hours of operation and the licensing application process itself. In relation to the type of venue, a wide variety of responses were recorded with the majority suggesting a nightclub licence. This was followed in turn by calls for restaurant, café or coffee shop licences, off-licences and theatre licences.

A number of respondents highlighted areas where they felt alcohol should not be sold such as small shops, petrol stations and other similar retail environments. It should be noted that a proportion of respondents also made reference to alcohol-free venues in their responses.

In relation to hours of operation, later closing hours were the most common suggestion under this theme, followed by 24 hour licences and earlier opening times. However, it should also be acknowledged that a proportion of respondents expressed the need for limits on operating hours.

In relation to the licensing process, a significant number of respondents suggested the inclusion of temporary licences to facilitate pop-up events or gigs. A number of

respondents expressed the opinion that the application process itself is over-complicated and restrictive and needs to better reflect the needs of the economy.

Additional commentary remarked that licences should reflect community interests and take into account the locality in which they are being issued and the public health consequences associated with the sale of alcohol.

## **Licensing in Relation to Cultural Offerings**

Respondents were asked how alcohol licences could improve cultural offerings available throughout the country.

Responses to this question varied considerably however the majority indicated that there is a general level of support for the issuing of licences to sell alcohol in relation to cultural events. Many participants expressed the opinion that such arrangements would help the arts sector and contribute to the night-time economy. There was a view that licensing could facilitate more late night activity regarding clubs and performances which would in turn enhance the cultural offerings available.

A number of respondents suggested the need to move Irish licensing laws more in line with the rest of the world. In addition, many responses highlighted the impact on the events sector in terms of enabling a greater variety of unique events not exclusively limited to a traditional nightclub, pub, or theatre format. Others referenced the positive impact changes to licensing could have on the tourism sector, the benefit to festivals and smaller venues as well as building upon the existing pub culture and making towns and cities more vibrant.

A proportion of respondents stated that they did not believe that alcohol licensing should have a role in relation to cultural offerings.

## **Public Health**

The questionnaire noted that Ireland, in common with many other jurisdictions, has traditionally implemented its alcohol licensing requirements with due cognisance given to public health concerns. Respondents were asked to offer their opinion on how best a public health approach could be utilised in relation to the reform of alcohol licensing laws.

Responses to this question covered a wide range of themes, however a significant number of respondents claimed that changes to opening hours and the staggering of closing times would likely have a positive impact on the curbing of harmful binge drinking and would improve public safety. Particular references were made in relation to the availability of transport late at night.

The responses to this area of the questionnaire emphasised the need for further education concerning the risks of alcohol consumption and the impact of binge

drinking in particular as well as issues relating to public order and safety. A number of respondents also made reference to an unwelcome cultural emphasis on drinking and the need for greater support for mental health services as well as more funding for addiction services.

Further commentary on the subject of public health focused on better policing and the more responsible sale of alcohol as well as the availability of more non-alcoholic options. A number of respondents commented that the industry was too focused on the traditional concept of the pub and expressed the desire for more diversity in this area with support for alternatives such as art, cinema and live music.

## **Nightclubs, Late Bars, and Special Exemption Orders**

The questionnaire pointed out that nightclubs and late bars operate on the basis of special exemption orders which are obtained from the District Court. Respondents were asked to voice their opinions on the Special Exemption Order system.

Responses were overwhelmingly negative with the vast majority indicating that they considered the system to be too expensive, along with many referring to it as “ridiculous” and “outdated.” Other responses referenced the fact that the orders themselves are too restrictive, have a detrimental impact on the night time economy and are not economically viable for new or smaller businesses.

A number of respondents called for the system to be modelled on similar procedures found elsewhere in Europe. They also highlighted the need for modernisation in this area. Other contributions focused on the time-consuming nature of the current system as well as the need for less frequent or annual applications, better streamlining and the inclusion of online options as part of the application process.

A significant number of respondents called for SEOs to be abolished entirely and for a special licence to be introduced for nightclubs.

## **Trading Hours**

In relation to trading hours, most respondents, when asked if they believed the current permitted trading hours were appropriate, responded that they did not believe this to be the case.

The restrictions associated with Sunday trading attracted particular attention, with some commenting that these were no longer suitable in today’s society. Some respondents called for 24 hour opening whilst others highlighted the need for different trading hours for different types of venues.

Flexibility of opening hours featured in a number of responses with a minority referring to earlier opening hours as being welcome. The staggering of opening hours was also a feature of many responses. The impact of trading hours on tourism was

raised in responses, with comparisons being drawn between trading hours in Ireland and in other parts of Europe.

Some respondents felt that the current hours were appropriate, but this viewpoint was significantly in the minority.

## **Extinguishment Requirement**

The vast majority of those who responded to the question as to whether the current law regarding the extinguishment requirement is appropriate indicated that they did not consider this to be the case. Only a small number of respondents considered the current arrangements with regard to extinguishment to be appropriate with a further group indicating that they considered them to be somewhat appropriate. Many respondents referred to the cost to business of the extinguishment requirement.

When asked if they believed that the extinguishment mechanism should be retained, most respondents indicated that it should not be retained. When asked how the system should be improved, respondents made reference to additional licences, greater flexibility and deregulation.

A small number indicated that they would not recommend any changes.

## **Online/Delivery Sales**

Respondents were asked in the questionnaire about their views on online sales. It was pointed out that there is no dedicated licence for online sales or the delivery of alcohol but licensees of licenced premises may engage in such sales subject to certain conditions. Respondents were asked if they believed the current legislative/licensing system is appropriate and for an indication of any changes that were considered appropriate.

The view on online sales and delivery services was generally favourable with a number of respondents indicating that they felt the current system to be appropriate. However, there were a significant number of responses which highlighted concerns in relation to the difficulty of verifying the age of online customers and the inability to perform ID checks.

Several pointed out how easily the online system could be abused. Several respondents felt the current system was inappropriate and called for more regulation of online sales. Some indicated that they were against the online sale of alcohol altogether whilst a small number of respondents called for a dedicated licence for online sales.



## Conclusion

The level of engagement with the public consultation process was very high and reflects the importance of the issues raised by the sale of alcohol and the licensing system which regulates this system.

Given that the licensing system operates on the basis of a large number of disparate statutory provisions, some dating back over 100 years, it is not surprising that the need for reform and simplification is a key unifying feature among the comments and inputs that have been received.

There is greater diversity of opinion in relation to specific elements of the licensing framework including the extinguishment requirement, the trading hours which should be in operation, the types of licences and the application procedures that should apply.

The key message to emerge from the questionnaire responses, however, is the desire for a modern, flexible and responsive system which allows business and culture to flourish whilst at the same time ensuring a safe environment in all licenced premises and a responsible approach to the sale of alcohol which places public order and public safety at the heart of the licensing system.

## Annex – Survey Questions

### 1. General Information

Please indicate if you are responding to this survey as:

- an Individual
- an Organisation (please specify)

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- an Industry representative (please specify)

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- an Academic
- a Health professional
- Other (please specify)

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### 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?**

### 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?**

#### **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?**

#### **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)?**

#### **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 licenced premises are appropriate?**

#### **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?**

## **8. Online/Delivery Sales**

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

## **9. Additional comments**