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Márta 2023

Joint Committee on Justice

Report on Pre-Legislative Scrutiny of the General Scheme of
the Sale of Alcohol Bill 2022

33/JC/34

March 2023

Table of Contents

CATHAOIRLEACH'S FOREWORD	2
COMMITTEE MEMBERSHIP	3
Joint Committee on Justice	3
COMMITTEE RECOMMENDATIONS	6
 CHAPTER 1 - Introduction	 11
Purpose of the Bill	11
Procedural basis for scrutiny	11
Engagement with Stakeholders	12
 CHAPTER 2 - Summary of Evidence	 15
1. Stakeholders welcome the intention behind this legislation	15
2. Framing and purpose of the legislation	16
3. Reform of the 'extinguishment provision' [Section 21]	18
4. Cultural amenity licence [Section 72]	21
5. Concerns around the potential implications for public health arising from the General Scheme	23
6. Impact of General Scheme on worker's rights	27
7. Impact of General Scheme on the provision of transport services	29
8. Impact of the General Scheme on public safety	31
9. Comparisons with licensing laws and regulations in other jurisdictions	32
10. Producer's licence [Section 171] and Producer's retail licence [Section 172]	33
11. Wine on-licenses [Section 42]	34
 CHAPTER 3 - Summary of Submissions	 35
1. Reform of the 'extinguishment provision' [Section 21]	37
2. Cultural amenity licence [Section 72]	40
3. Concerns around the potential implications for public health arising from the General Scheme	42
4. Impact of General Scheme on public safety, access to transport and worker's rights	45
5. Additional recommendations for the General Scheme from stakeholders within the pub industry	48
6. Other additional recommendations	50
 APPENDICES	 53
APPENDIX 1- ORDERS OF REFERENCE OF THE COMMITTEE	53
APPENDIX 2 – ADDITIONAL CORRESPONDENCE, LIST OF STAKEHOLDERS AND SUBMISSIONS	62
List of Stakeholders	62

CATHAOIRLEACH'S FOREWORD

In October 2022, the Minister for Justice, Ms. Helen McEntee TD, forwarded the General Scheme of the Sale of Alcohol Bill 2022 to the Joint Committee on Justice in accordance with Standing Orders for the purpose of pre-legislative scrutiny. The Committee welcomes the General Scheme's intention to introduce wide-scale reform, modernisation and streamlining of Ireland's licensing laws, noting that currently licensing laws span over 100 different pieces of legislation, with two of thirds of these having been enacted prior to the foundation of the State.¹

The Committee acknowledges that the introduction of this legislation is timely following the exceptionally difficult conditions for the hospitality and entertainment sector during the pandemic and shares the desire expressed by stakeholders and witnesses that this legislation would help to re-vitalise the cultural and night-time economy generally.

The Committee was keen to perform due diligence upon the legislation and to enable stakeholders to be consulted through the pre-legislative scrutiny process, notwithstanding the tight timelines now imposed through Oireachtas Standing Orders. In that vein, the Committee proactively sought submissions almost immediately upon receipt of the legislation and also expedited hearings with stakeholders, including scheduling additional meetings into its already busy roster for the early New Year.

In undertaking pre-legislative scrutiny, the Committee has sought to scrutinise the proposed legislation and provide recommendations on areas where it believes change or amendments are warranted. Among the areas identified for further examination within the General Scheme include: the reform of the extinguishment provision [section 21]; the introduction of cultural amenity licences [section 72]; the impact of the extension of the opening hours of bars and nightclubs [sections 44 and 89]; and concerns around public health implications arising from the General Scheme.

The Committee has made a number of recommendations and a copy of this report and recommendations will be sent to the Minister for Justice.

I would like to express my appreciation to all the witnesses for their contributions and to the Members of the Committee for their work on this subject. Finally, I hope that this report will help to inform the legislative process and make a valuable contribution to the forthcoming legislation.



James Lawless TD (FF) [Cathaoirleach]
March 2023

¹ [gov.ie - Minister McEntee to reform Ireland's antiquated licensing laws \(www.gov.ie\)](https://www.gov.ie/en/minister-helen-mcentee-to-reform-irelands-antiquated-licensing-laws/)

COMMITTEE MEMBERSHIP

Joint Committee on Justice

Deputies



James Lawless TD (FF) [Cathaoirleach]



Patrick Costello TD
(GP)



Alan Farrell TD
(FG)



Pa Daly TD
(SF)



Aodhán Ó Ríordáin TD
(LAB)



Martin Kenny TD
(SF)



Thomas Pringle TD
(IND)



Niamh Smyth TD
(FF)

Senators



Robbie Gallagher
(FF)



Vincent P. Martin
(GP)



Michael McDowell
(IND)



Lynn Ruane
(IND)



Barry Ward
(FG) [Leas-Chathaoirleach]

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 3rd September 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 25th September 2020.
3. Deputy Jennifer Carroll MacNeill elected as Leas-Chathaoirleach on 6 October 2020.
4. Deputy James O'Connor discharged and Deputy Niamh Smyth nominated to serve in his stead by the Fifth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 19th November 2020.
5. Deputy Michael Creed discharged and Deputy Alan Farrell nominated to serve in his stead by the Fifteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 28th June 2022.
6. Deputy Brendan Howlin discharged and Deputy Aodhán Ó Ríordáin nominated to serve in his stead by the Nineteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 8th November 2022.
7. Deputy Jennifer Carroll MacNeill was discharged, pursuant to Standing Order 34, on 21st December 2022.
8. Senator Barry Ward was elected as Leas-Chathaoirleach at the Committee meeting on 15th February 2023.

COMMITTEE RECOMMENDATIONS

The following recommendations were made by the Committee in relation to the topic:

1. The Committee recommends that consideration be given to amending the title of the Bill to reflect the broader intent and impact of the legislation.
2. The Committee recommends that further evaluation of the proposal to remove the extinguishment requirement for on-licences and off-licences be undertaken.
3. The Committee recommends that consideration be given to introducing a separate type of venue licence for use by dance venues and operators instead of a 7-day publican's licence. However, pubs, late bars and nightclubs should still be able to avail of late opening through a 7-day publican's licence if they so choose.
4. The Committee recommends that the legislation should provide a more precise definition of what constitutes a 'cultural amenity' and more clarity around the designation of a cultural premises or cultural event. The Department of Justice should consult with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, relevant stakeholders and the wider public in doing so.
5. The Committee recommends that consideration be given to allowing cultural amenity licences to enter the late-night market under this legislation.
6. The Committee recommends that outstanding provisions within *the Public Health (Alcohol) Act 2018* are introduced as a priority, to ensure alcohol-related harms are reduced.
7. In acknowledging that venues as dance halls, movie theatres, cafés, restaurants and other cultural venues are already permitted to operate during night-time hours where they wish and where alcohol is not being served, the Committee recommends that consideration should be given to whether a form

of "dry licence" may be appropriate as a complementary measure to the proposals within this legislation, which may enable and regulate the provision of late night cultural and social activities in venues where alcohol is not consumed or sold on the premises. The provision of "hybrid" licenses should also be examined, where alcohol may be served at certain times, but the venue may remain open beyond or before those hours.

8. The Committee recommends that consideration should be given to allocating additional resources towards contributing to harm reduction measures such as alcohol-related rehabilitative services.
9. The Committee recommends that a Health Impact Assessment of the General Scheme be carried out to evaluate the potential health effects arising from the legislation as proposed.
10. The Committee recommends that the provisions around alcohol delivery services be strengthened within the General Scheme and that there be age verification at the point of sale and point of delivery of alcohol delivery services.
11. The Committee recommends that a child protection element be incorporated into this legislation to ensure that children are sufficiently protected from exposure to alcohol-related harms.
12. The Committee recommends that consideration be given to the introduction of a levy on the alcohol industry to contribute towards the costs of alcohol-related harms to the State.
13. The Committee recommends the establishment of a Statutory Authority within Government with specific responsibility for reducing alcohol-related harms.

14. The Committee recommends that there should be mandatory training for those working within the licensed trade regarding how to engage with intoxicated customers and regarding the principle of non-sale of alcohol to intoxicated persons.
15. The Committee recommends that the legislation should require that consistent data around the sale and consumption of alcohol in local areas be collected and made public.
16. The Committee recommends that the potential to introduce a Social Impact Fund towards research and treatment of alcohol addiction be examined. This fund could be modelled in a similar manner to that proposed under *the Gambling Regulation Bill 2022*.
17. The Committee recommends that an entitlement to statutory collective bargaining rights for workers be guaranteed, which may be necessary arising from this legislation.
18. The Committee recommends that current vacancies on the Workplace Relations Commission (WRC) be filled as soon as possible or that experienced staff within trade unions be enabled to carry out health and safety inspections of workplaces and ensure compliance with worker's rights.
19. The Committee recommends specific legislation be introduced making it an offence to abuse or mistreat bar workers, and/or that there be effective enforcement of current legislation covering assaults, to protect bar staff.
20. The Committee recommends that the relevant resources and structures be put in place to ensure that sufficient transport services are provided to cover the extended licensing hours. An examination should also take place to assess how to improve the provision of late-night public transport services, particularly in rural towns and areas throughout the country.

21. The Committee recommends that the producer's retail licence should be amended to remove the ticketing and tour requirements, to align the operating hours of the producer's retail licence with off-licence hours for on-premises and off-premises and to allow manufacturers of craft beer and spirits to sell their own beer and spirits on their premises.
22. The Committee recommends that consideration be given to removing the provision allowing businesses with wine on-licences to apply for late trading licence.
23. The Committee recommends that the progress of the reforms provided for by the Bill should be reviewed within a period of 2 to 3 years, to examine the potential of or necessity for further reform.
24. The Committee recommends that late bar and nightclub licences should be fairly priced, pricing should be nominal and consider the opening hours available to each late-night venue.
25. The Committee recommends that the National Cultural Institutions Licence should remain intact, to ensure the 7 national cultural institutions will still enjoy the same flexibility as they currently do. Additionally, the Department of Justice should liaise with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, to consider the potential of expanding the register of national cultural institutions to allow greater access to the National Cultural Institutions Licence.
26. The Committee recommends improved cooperation between the Department of Justice and Local Authorities in relation to licencing laws, to ensure that a greater variety and number of spaces are made available for flexible, cultural and night-time uses.

- 27.** The Committee recommends that the Department of Justice consider creating a ‘temporary event licence’ or equivalent, similar to that which exists in the United Kingdom, to facilitate a greater number and variety of flexible, cultural and night-time events in under-utilised spaces and places.

CHAPTER 1 - Introduction

This is the report on Pre-Legislative scrutiny of the General Scheme of the Sale of Alcohol Bill 2022, which will consolidate and modernise Ireland's licensing laws.

Purpose of the Bill

The consolidation and updating of licensing laws was contained within the Programme for Government² and was also a central recommendation contained within the 'Report of the Night-Time Economy Taskforce'.

Among the General Scheme's objectives include standardising the opening hours for licensed premises throughout the week and extending the opening hours of nightclubs; introducing a 'cultural amenity licence' to enable the sale of alcohol in venues as galleries, theatres, museums, subject to certain conditions; the revision of the extinguishment requirement for on licences; the introduction of annual permits for late bars and nightclubs to replace the system of Special Exemption Orders; and moving the responsibility for licensing from the Circuit Court to the District Court.³

Procedural basis for scrutiny

Pre-legislative consideration was conducted in accordance with Standing Order 174A, which provides that the General Scheme of all Bills shall be given to the Committee empowered to consider Bills published by the member of Government.

² [gov.ie - Speech by Minister McEntee at the announcement of the General Scheme of the Sale of Alcohol Bill 2022 \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/documents/2022-01/speech-by-minister-mcentee-at-the-announcement-of-the-general-scheme-of-the-sale-of-alcohol-bill-2022/)

³ [gov.ie - Minister McEntee to reform Ireland's antiquated licensing laws \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/documents/2022-01/minister-mcentee-to-reform-ireland-s-antiquated-licensing-laws-2022-01/)

Engagement with Stakeholders

The Joint Committee on Justice invited submissions from stakeholders on the General Scheme of the Sale of Alcohol Bill 2022.

On 24th January and 31st January 2023, the Committee held a public engagement with several of these stakeholders, as laid out in the table below:

Table 1: List of public engagements with Stakeholders

Organisation	Witnesses	Date of appearance
Licensed Vintners Association (LVA)	Mr. Donall O’Keeffe, CEO Ms. Alison Kealy, Chair	24 th January 2023
Give us the Night	Mr. Sunil Sharpe, spokesperson Mr. Robbie Kitt, spokesperson	24 th January 2023
Vintners' Federation of Ireland (VFI)	Mr. Paul Clancy, Chief Executive Mr. Paul Moynihan, President	24 th January 2023
Independent Craft Brewers of Ireland (ICBI)	Ms. Elisabeth Ryan, Coordinator of ICBI (IRC Project Management) Mr. Peter Mosley, Chairperson of ICBI (Director of Porterhouse Brewing Company)	24 th January 2023
Music & Entertainment Association of Ireland (MEAI)	Mr. Matt McGranaghan, Director & Spokesperson Mr. Jackie Conboy, Director	24 th January 2023

Department of Justice	Ms. Juliet Dwyer, Principal Officer Ms. Patricia Butler, Assistant Principal	24 th January 2023
Alcohol Action Ireland (AAI)	Dr. Sheila Gilheany, CEO Professor Frank Murray, Chair	31 st January 2023
Institute of Public Health (IPH)	Dr. Helen McAvoy, Director of Policy Dr. Ciara Reynolds, Public Health Development Officer	31 st January 2023
Irish Community Action on Alcohol Network (ICAAN)	Ms. Marie Lawless, Policy and Research Officer, Ballymun Local Drug and Alcohol Task Force, ICAAN member. Ms. Paula Leonard, National Lead for Community Action on Alcohol, Alcohol Forum Ireland.	31 st January 2023
Mandate Trade Union	Mr. Gerry Light, General Secretary Mr. Jim Fuery, Divisional Organiser	31 st January 2023
National Transport Authority (NTA)	Ms. Anne Graham, CEO	31 st January 2023
Department of Justice	Ms. Juliet Dwyer, Principal Officer Ms. Patricia Butler, Assistant Principal Ms. Patricia O'Moore, Assistant Principal	31 st January 2023

The primary focus of this meeting was to allow for an engagement between the Members and stakeholders to discuss areas of the General Scheme which may require amending.

This report summarises the engagements and the key points considered by the Committee when drafting the recommendations set out in this report.

A link to the full transcript of the engagements can be found [here](#) and [here](#).

CHAPTER 2 - Summary of Evidence

In the course of the public hearing, a number of important points were raised. A summary of the main areas discussed in evidence to the Committee follows.

1. Stakeholders welcome the intention behind this legislation

A majority of stakeholders welcomed the introduction of this legislation. In particular, witnesses welcomed that the General Scheme would simplify and codify Ireland's various licensing laws into a single piece of legislation; that the legislation would modernise Ireland's licensing laws to better reflect Ireland's contemporary society and economy; and that this legislation could help to re-vitalise Ireland's night-time economy and cultural events.

In welcoming this legislation, stakeholders and Members acknowledged the wider detrimental impact that the pandemic had had on night-time activity and businesses in the culture, hospitality and entertainment sector. It was recognised that Dublin city centre in particular had not yet recovered from the impacts of the pandemic and it was hoped that this Bill would help to re-invigorate the night-time economy and events on offer in Dublin city and other towns throughout Ireland.

2. Framing and purpose of the legislation

During the Committee engagements Members raised several points in relation to the framing and central purpose of this legislation.

Firstly, it was pointed out that discussions around the General Scheme should avoid taking place as a dichotomy, where arguments around the advantages of extending licensing hours are set against arguments around the potential impacts of the legislation on public health. Members underlined that this approach overlooks many other significant changes proposed in this legislation, e.g. the proposed introduction of cultural amenity licences.

In relation to the Bill's stated intention of encouraging a range of cultural and social activities to take place later in the evening, Members questioned whether venues would be able to stay open later under the General Scheme if they did not intend to sell alcohol.

It was argued that this distinction is vital, to establish whether the legislation's primary focus is to consolidate licensing laws and expand the range of night-time and cultural events on offer, or whether the legislation as currently framed is primarily focusing on the extension of hours and locations when alcohol is sold, which some stakeholders were concerned would definitively link the sale and consumption of alcohol with social and cultural events ([see Section 4](#)). It was argued that venues should not be limited to staying open late solely based on whether they will be selling alcohol or not.

The Committee noted that there are currently no limitations to dance halls, movie theatres, cafés, restaurants and other cultural venues already operating extended hours into the early morning and indeed through the night should they wish to open at those times, provided it is an environment in which alcohol is not being served. As such these proposals deal with the extension of alcohol sales and consumption only, although it is understood that many venues see that factor as commercially important to the viability of their operation.

In response, representatives from the Department of Justice clarified that section 98 of the General Scheme addresses mixed trading. It stipulates the requirements that must be met when establishments with on licences open to serve non-alcoholic

products outside of the hours where the sale of alcohol is permitted, e.g., that access to alcohol must be securely prevented.

It was pointed out that Local Authorities are responsible for the opening hours of premises that do not hold an intoxicating liquor licence, under the Planning and Development Acts.

Members emphasised that ongoing discussions in relation to this legislation should highlight the provisions around mixed trading under section 98 of the General Scheme and the responsibilities of Local Authorities regarding opening hours, so as to underline that this Bill is also enabling and promoting the operation of a range of late-night cultural venues and events, regardless of whether alcohol will be sold or not.

3. Reform of the ‘extinguishment provision’ [Section 21]

In relation to Section 21 of the General Scheme, Members and witnesses discussed the proposed reform to the ‘extinguishment provision’. Currently those who wish to open a new premises or off-licence must purchase a licence from an existing licence-holder to do so. However, the General Scheme proposes to remove the extinguishment requirement within a 3-year timeframe for on-trade sales, while the extinguishment provision would still apply to sales in off-licences.

Witnesses held varying views on the proposed removal of the extinguishment requirement under the General Scheme.

Points raised *against* the removal of the extinguishment provision

Points made ***against*** the removal of the extinguishment provision included:

- If the extinguishment provision was removed, this may result in new multinational businesses or chain pub groups opening premises in local areas. Witnesses warned that this could threaten established and family businesses within communities;
- It was argued that established pubs hold invaluable roles within communities, as acknowledged by the Department of Rural and Community Affairs’ ‘pubs as community hubs’ pilot programme;
- It was highlighted that pubs offer a unique cultural and touristic experience which must be protected, with tourists mentioning visiting pubs in Ireland as one of the main attractions when on a visit to Ireland.
- The Committee heard that the demand for pubs has been in decline for the last few years and there is now an oversupply of pubs, with 6,800 licenced throughout the country. Allowing more pubs to open by removing the extinguishment requirement would further oversaturate the market and would not achieve the Department’s intention of increasing the growth of rural pubs;
- Witnesses highlighted that for many working within the music and entertainment sector, they rely on pubs to provide them with employment opportunities and cautioned against any impact the removal of the extinguishment may have on these opportunities;

- The Committee was told that the extinguishment provision encourages responsible trading by publicans and ensures that public safety is maintained. Removing this could cause an increase in public order offences, particularly in city centres, where the majority of new premises would open;
- It was argued that the extinguishment requirement is not the main barrier for new entrants to the licensed trade as other factors e.g. insurance costs, planning permission also impose a significant burden on new entrants to the market;
- Public health groups cautioned against a removal of the extinguishment requirement as they said this would increase the density of alcohol outlets in a location, thus increasing the alcohol-associated harms in an area. It was recommended that a 'like for like' system be introduced instead, for example preventing the transfer of a pub licence that is extinguished to an off-licence premises;
- If the extinguishment requirement is introduced, representatives for the pub industry recommended to the Committee that the sunset period should be eight years rather than three years as proposed, to allow adequate time for publicans leaving the industry to arrange for their exit from the trade.

Points raised *in favour* of the removal of the extinguishment provision

Points made *in favour* of the removal of the extinguishment requirement included:

- It was argued that the extinguishment requirement acts as a barrier against new traders entering the licensed and night-life trade due to the cost and availability of these licences. Removing this requirement would help to widen the market to newer businesses and would diversify the events on offer during the night-time economy;
- The Committee was informed that, at present, there are already several pub chains operating in Ireland, especially in Dublin, and witnesses said they do not envisage any significant change in this regard if the extinguishment provision is removed;
- In response to evidence around the current difficulties facing rural pubs, witnesses told the Committee that these difficulties should not necessarily prevent the removal of the extinguishment requirement as proposed. It was argued that these pubs could be struggling as they may no longer be suited to their local environment or the needs of the local population. Publicans may need to re-evaluate their current set-up and assess whether they should introduce changes to their business models to ensure it remains profitable;
- Witnesses representing the nightclub industry argued that nightclubs have always had to operate under the 7-Day Publican's Licence and that the General Scheme does not intend to change this approach. It was recommended that a separate type of venue licence should be introduced for dance venues and operators that would better suit the business needs of their specific operations;
- In relation to the three-year sunset period set out in the General Scheme, witnesses recommended to the Committee that new nightclub operators should be exempt from any extinguishment process during this period. They said the cost of purchasing the seven-day publican's licence on the open market is estimated at €60,000 and it was argued that this is an unreasonable cost to put on a new entrant to the market, alongside other costs involved in setting up a nightclub premises.

4. Cultural amenity licence [Section 72]

Members and witnesses expressed differing views in relation to the proposed cultural amenity licence.

Some witnesses clarified that they supported the principle of a cultural amenity licence and welcomed the diversity of events it would introduce to the night-time economy. However, they underlined to the Committee that the definition of what constitutes a 'cultural amenity' needs to be clarified within the General Scheme. Some witnesses suggested that while designating a museum or art gallery as a cultural venue is logical, if a local community centre were to be designated as such and were to run an event on a weekend evening, this could take away business from a local pub that primarily trades on those particular evenings and relies on this trade to support its business.

Witnesses expressed concerns about the difficulty of defining a 'cultural amenity' and questioned whether this licence may be open to abuse if the definition provided is too broad. Some referred to the previous theatre licence which they said had been used as a 'backdoor' into the pub trade and late bar trade. The Committee was told that under this licence, venues had organised performances that ran late into the night without needing to pay the same expenses that pubs would have been required to pay to remain open late. Witnesses said that they were concerned that the cultural amenity licence could be used in a similar manner.

Witnesses argued that a strict criteria around the designation of a cultural premises or cultural event must be laid out. Restrictions should apply around when alcohol can be sold at these venues, for example, that alcohol can only be sold one hour prior to and one hour after an event takes place.

Witnesses also argued that any cultural amenity venue which sells alcohol on its premises should be subject to the same regulations that pubs are bound by and that they must comply with the same safety standards, building regulations, public liability insurance and CCTV requirements. It was argued that this would be important as these requirements are very onerous and costly on pubs and there is a need to ensure a level playing field between all.

Other witnesses however, disagreed with suggestions that the theatre licence could be used as a ‘backdoor’ into the licensed trade. It was pointed out that, previously, theatre licences were granted by the Revenue Commissioners and this could have allowed a disparity in the standards applied to each licence. As the General Scheme will ensure that all licences will be granted through the court system it was argued that this should equalise the granting of licences and there should be no suggestion of any provider accessing the late trade market through a ‘backdoor’.

Witnesses also highlighted to the Committee that cultural amenity licences are excluded from the late-night market under the proposals within the General Scheme. Witnesses told the Committee that this will not help to encourage growth and innovation in the industry as these venues will have to apply every night that they stay open late for an event. It was argued that it seems unfair to exclude these business from entering the permit system when there would be less than 100 venues under the cultural amenity licence system and particularly if there are expectations that these venues should be subject to the same regulations that pubs are bound by, if selling alcohol.

Witnesses also referred to the proposed changes to the national cultural institutions licence. The Committee was told that current legislation permits Ireland’s seven cultural institutions to open late to host cultural events. While there are not often late events running in these institutions, witnesses referenced the successful pilot event ‘the Haunted Dancehall’, which was a two-night electronic art and music festival that ran in the National Concert Hall in October 2022. However, the new cultural amenity licence would replace the national cultural institutions and national cultural institutions would have to apply for temporary late-hour orders in order to stay open late, removing this opportunity.

Witnesses recommended the national cultural institutions licence should be maintained as it is currently.

5. Concerns around the potential implications for public health arising from the General Scheme

Members and witnesses discussed the public health implications arising from the General Scheme. Witnesses representing public health organisations outlined several serious concerns they have with the General Scheme as proposed.

Firstly, they told the Committee that alcohol causes significant harms for the health system, pointing out that the mortality rates for liver disease have been increasing in recent years compared with a decrease in mortality rates for other major diseases like cancer, stroke, heart disease and respiratory disease.

In response to questions from Members, witnesses argued that restrictions around the sale of alcohol are necessary, as alcohol is not a normal commodity due to its mind-altering effects. Similarly, witnesses informed the Committee that arguments in favour of allowing adults to take personal responsibility for their drinking are propagated from the alcohol industry, as it benefits them in order to be able to sell more alcohol and increase their profits.

The Committee heard from witnesses that increasing education around alcohol usage or banning / limiting alcohol advertising is not sufficient to deter the harms of alcohol, as the marketing from these adverts is so well-funded that education campaigns cannot compete with these adverts. Witnesses said that while other countries such as Norway have tried to place a ban on alcohol adverts, the success of this approach has been limited.

Witnesses pointed to international evidence which shows that limiting the opening hours of licensed premises by even one hour has significant effects in decreasing alcohol harms, as does decreasing the total number of alcohol outlets. The World Health Organisation (WHO) recommended that limiting the availability, accessibility and appeal of alcohol through advertising of alcohol are paramount measures to protect public health from the harms arising from alcohol consumption.

Witnesses pointed out that the legislation as presently framed risks normalising the consumption of alcohol at social and cultural activities and also extends its presence to settings like holiday camps and sporting clubs.

Witnesses told the Committee that they are not recommending a dampening of the night-time culture and economy but argued that alcohol should not be central to and inextricably linked with the night-time economy. It was suggested that the range of night-time events should be expanded and it should be ensured that there are alcohol free venues and events on offer within the night-time sphere, to cater to varying groups that wish to engage in this economy.

Witnesses highlighted two elements in particular within the Bill that required significant amending:

Need for greater protections for children within this Bill

Witnesses pointed out that this legislation should include a child protection objective and should introduce stronger measures to ensure the protection of children from exposure to alcohol-related harms. The Bill proposes to extend the hours during which those under 18 can be present on premises where alcohol is consumed once accompanied by a parent and would remove the lower age limit of 15 for children to attend private functions under same conditions. Witnesses cautioned that these two proposals could result in young people attending parties and family gatherings and being exposed to high-risk drinking occasions for significant periods of time.

In addition it was recommended that amendments to the *Intoxicating Liquor Act 2004*, which provided for children to be allowed on licensed premises to attend underage discos, should be re-evaluated, as witnesses said that there are not enough safeguards put in place around these events to protect children. It was highlighted that if these children consume significant amounts of alcohol before the event and are not allowed onto the premises, they are left standing on the streets waiting until their transport home arrives and no one is responsible for them. Witnesses told the Committee that sexual assault treatment units have reported several incidents of multi-perpetrator attacks being carried out on these vulnerable young people and said these units must increase their staff numbers on the nights these discos occur as a result.

Drink delivery services [Distance Sales, Section 99]

Witnesses argued that the regulations surrounding drink delivery services should be made clearer, as currently individual retailers implement their own approaches to monitoring alcohol delivery sales and preventing abuse of these services. Witnesses warned that the staff who deliver these drink orders will be put more at risk by refusing to serve customers if the guidance on drink delivery services is not made clearer.

It was recommended that there be age verification at the point of sale and point of delivery of alcohol delivery services.

The test purchaser of alcohol should also be extended to a domestic setting so that Gardaí can ascertain the age of someone using home delivery services if they believe they may be underage.

Recommendations

Witnesses representing public health bodies made some of the following recommendations in relation to the General Scheme:

- Witnesses from public health bodies recommended that the opening hours of licensed premises should stay restricted as they are currently.
- **Decrease sale of alcohol in off-licences:** Witnesses also recommended that measures be taken in order to decrease the sale of alcohol in off-licences, as it was noted that the 60% of all alcohol consumed in Ireland now takes place at home, increasing the exposure of young children to alcohol-related harms.
- **Health Impact Assessment:** Witnesses argued that the introduction of this legislation has progressed at a rapid speed. They recommended that its implementation should be delayed and that a health impact assessment should be carried out to ascertain the full health implications arising from the Bill.
- **Need for full implementation of the measures within the Public Health (Alcohol) Act 2018:** Witnesses underlined to the Committee that *the Public Health (Alcohol) Act 2018* included measures which followed best practice and international evidence in terms of how to best decrease alcohol consumption

and protect public health. Witnesses urged Members that the best ‘compromise’ measure between progressing with the Sale of Alcohol Bill 2022 and protecting public health would be to implement the *Public Health (Alcohol) Act 2018* in full, prior to the Sale of Alcohol Bill 2022 being finalised and enacted.

- **Need to gather data on alcohol sales:** The legislation should require that consistent data around the sale and consumption of alcohol in local areas be collected and made public. Witnesses argued this was important to assist the relevant bodies making decisions around the renewal of alcohol licenses and to help inform the provision of health services at local level.
- **Levy on alcohol industry:** It was recommended that a levy be placed on the alcohol industry, through which the costs of alcohol-associated harms could be recouped, as it estimated that these harms cost the State €3.7 billion per year.
- **Statutory Authority:** A Statutory Authority within Government should be established and act as the main body tasked with reducing alcohol-related harms.
- **Social Impact Fund:** The establishment of a Social Impact Fund towards research and treatment of alcohol addiction should be examined. This fund could be modelled off a similar fund proposed under the Gambling Regulation Bill 2022.
- **Mandatory training for those working in licensed trade:** It was recommended that there be mandatory training for those working in the licensed trade around how to engage with and manage severely intoxicated customers and around the principle of non-sale of alcohol to intoxicated persons. Similar training takes place in other jurisdictions like Australia and Canada.

6. Impact of General Scheme on worker's rights

Members raised questions in relation to how worker's rights would be impacted by the General Scheme and what steps will be taken to improve the experience of workers in the industry, given that they will now have to work later hours.

The Committee heard that bar work carries particular health and safety risks, including long working hours and that bar staff at times engage with customers who are aggressive or violent when intoxicated. Stakeholders highlighted to the Committee the ongoing difficulties of retaining staff in the industry following the pandemic and argued that the most effective way to entice and retain staff in this sector is to ensure their working conditions remain fair and that their welfare and rights are protected.

Stakeholders acknowledged that working in the late trading industry can be demanding but argued that those who work in this industry tend to do so because it suits their personalities and many stay in bar and hospitality work for their careers.

It was pointed out that, while the working conditions can be demanding, those who choose to work in this industry do so knowing the working hours that are involved. Despite the extension of opening hours for licensed premises, stakeholders told the Committee that the shift patterns for staff in the industry would be spread later throughout the night. However, staff would still be given shifts of between 6 to 8 hours and there should be no expectation that this would change or be compromised as a result of the extension of licensing hours.

In terms of businesses respecting employment rights, some stakeholders argued that, as the economy is reaching full employment levels, staff are now deciding where they want to work based on working conditions. This results in more flexible rosters and more concessions from employers in this area.

In relation to rates of pay for staff working in the night-time industry, some witnesses told the Committee that very few workers within the night-time industry are paid minimum wage at this point in time and that in order to retain staff, businesses will have to make it attractive to work in the industry and will have to pay higher salaries to attract staff. However, representatives from Mandate trade union said that a recent survey of their members found that about 25% of workers receive premium pay but

the majority of staff do not receive this pay. Of those receiving premium pay for after-hours work, it was estimated that this figure would be under 25% and would comprise mainly of senior bar staff or other workers who were still employed on older contracts.

Representatives from Mandate Trade Union highlighted several areas where worker's rights should be improved and strengthened:

- **Collective bargaining terms need to be strengthened:** The Committee was told that previously, collective bargaining had been negotiated with one of the main representative bodies of the licensed trade, however, this arrangement had stopped a few years ago. This had fragmented the collective bargaining sector and unions must now engage with individual employers, hindering a consistent approach towards collective bargaining. It was recommended that an entitlement to statutory collective bargaining rights for workers must be guaranteed.
- **Inspections of workplaces:** It was recommended that current vacancies within the Workplace Relations Commission (WRC) should be filled immediately, to ensure there are sufficient levels of staff to inspect workplaces and establish they are compliant with employment legislation. If the WRC does not have capacity to undertake these inspections, it was recommended that experienced staff from other organisations, like trade unions, should be enabled to carry out these inspections.
- **Legislation protecting staff from assaults:** Witnesses recommended that specific legislation should be introduced, which makes it an offence to abuse or treat bar workers badly. It was pointed out that similar legislation had been enacted in Scotland and New South Wales, Australia. It was recommended that current legislation preventing assault must be robustly enforced to ensure that bar staff are protected from harassment and injury.

7. Impact of General Scheme on the provision of transport services

Members and witnesses discussed the provision of transport services in light of the proposed extension of operating hours for licensed premises.

The Committee was told that as it stands currently, many employees who work in the night-time economy struggle to avail of transport after work and many have to wait until transport starts again in the early morning before they can get home after their shift.

Several Members also commented on the lack of transport services for rural areas of the country and urged that solutions for this problem must be identified, to allow those in rural areas to fully engage with any increase in night-time activities and events.

Those present agreed that increasing the provision of transport services is essential to facilitate the proposed extension of operating hours. It was also suggested that the extension of opening hours may allow for a staggered exit of patrons from premises and therefore reduce some of the current difficulties patrons and staff face in trying to access transport home following a night out.

In terms of increasing the provision of transport services, representatives from the National Transport Authority (NTA) told the Committee that the NTA supports the efforts to re-vitalise the night-time economy and is working with relevant bodies to ensure the provision of sufficient transport services for those active in or working within the night-time economy.

The Committee heard that it is anticipated that further 24-hour / 7-day bus services will be commenced in Dublin and an additional 24-hour / 7-day bus service commenced in Cork over the next few years, provided that adequate staff can be enlisted to operate these services. The redesign of the Galway, Limerick and Waterford network of bus services will evaluate the need for additional late-night transport services in these cities.

The Committee heard that more consideration is needed in relation to the planning and preparation around increasing night-time transport services, e.g. whether it will be

possible to extend certain services to operate during the later hours proposed for licensed premises and what the cost of facilitating these additional services would be.

In relation to the provision of transport in rural areas the NTA said that they are continuing to evaluate innovative solutions for how to ensure the availability of night-time transport services in these areas, including the potential provision of bus, taxi and hackney services.

In response to questions around safety on public transport, the NTA informed the Committee that, while they are aware of the severity of some recent anti-social incidents on public transport services, surveys of public transport users showed a rate of 95% of users felt that their travel experience was safe. The Committee heard that current 24-hour bus routes were showing a high level of demand and the busier the passenger levels on these services are, the greater impact this can have in reducing feelings passengers have of being unsafe on public transport services.

It was highlighted that while the evidence to this point has not shown an increase in anti-social or unsafe behaviour on public transport services, this would need to be monitored if the licensing hours were changed and the need for additional Garda or security resources would need to be evaluated.

In terms of the possibility of introducing transport police, the Committee heard that this would be a matter for the Garda Síochána (AGS) to pursue. Witnesses noted that other jurisdictions which employ transport police tend to do so for train, or underground services rather than for bus services, which that are the primary form of transport in Ireland, particularly for late-night transport services.

Representatives from the NTA said that it continues to work with AGS to ensure that there is a swift response to any instances of anti-social behaviour on public transport services.

8. Impact of the General Scheme on public safety

Mixed views were expressed in relation to the impact of the General Scheme on public safety.

Those from public health organisation argued that the Bill will have implications for policing, health services, ambulance services and will require more resources to deal with these demands, particularly for Gardaí. They pointed to evidence from other jurisdictions which showed that instead of the extended licensing hours dispersing crowds leaving late-night venues, it was found that these crowds and alcohol-related harms were shifted to later in the night, putting more pressure on emergency services and frontline workers.

Others argued that, as nightclubs and pubs are regulated venues, allowing these venues to open at later hours would ensure that people are drinking and socialising in regulated spaces. It was pointed out that at present, once licensed premises close many people go to house parties or raves rather than going home and that these venues are more unregulated and there can be more opportunities to abuse alcohol and possibly take drugs.

Witnesses highlighted that a new safety-related subgroup has been established as part of the night-time economy taskforce and will inform the safety policies and staff training that is carried out in night-time venues. The HSE is also carrying out an evaluation of health and social responses in nightclub venues that will be guided by best practice from other jurisdictions within Europe.

9. Comparisons with licensing laws and regulations in other jurisdictions

Members questioned how other jurisdictions approach licensing and the management of the night-time economy.

Several Members pointed to other jurisdictions in Europe where licensing hours are open later than in Ireland and where this has been the case for a number of years. They questioned whether Ireland's drinking culture is an outlier or whether later licensing hours could be introduced here successfully the way they have been in other jurisdictions.

In response, representatives from public health bodies highlighted evidence gathered from various jurisdictions which found that alcohol-related problems increase when the availability of alcohol is increased, regardless of the country. It was argued that when making comparisons with the drinking culture in other European countries, it is important to remember that Europe is the region with the highest alcohol consumption in the world, and it is therefore not the best region against which to compare Ireland. These witnesses also argued that Ireland's drinking culture is different to other countries, for example, those in southern Europe, as Ireland ranks eighth in the world with regard to binge drinking.

In terms of how other European countries approach the management of night-time licensing, witnesses told the Committee that these licenses are managed through Local Authorities rather than the courts system. This can provide a more 'hands-on' approach to licensing, for example, where these authorities would have weekly meetings with venue owners. However, witnesses pointed out that Local Authorities are structured in a different manner in other jurisdictions compared to Ireland and questioned whether this system would be effective if applied here.

10.Producer's licence [Section 171] and Producer's retail licence [Section 172]

The Independent Craft Brewers of Ireland (ICBI) highlighted several issues in relation to the current operation of the producers' licence.

Among the problems with the current licence, include its restrictive opening hours from 10am to 7pm only; the requirement for visitors to purchase tickets and attend a tour of the premises before being allowed to consume or purchase craft beers on site; and the cost of the licence, which is set at €500, however, additional factors such as the need for legal consultations in relation to the licence mean the total cost of a licence is nearer to €10,000 or €12,000.

The ICBI urged the Committee to reform the licence in the following areas:

- Manufacturers of craft beer should be allowed to sell their own beer on their premises and this should also extend to off-sales;
- The requirement for guests to purchase a ticket and complete a guided tour of the brewery before they are permitted to purchase alcohol on the premises should be removed;
- The operating hours of the producer's retail licence should align with off-licence hours set out for on-premises and off-premises;
- Manufacturers of beer should be allowed use their licence for sporadic community events, for example, local food markets.
- The hours for any special producer's licence should align with other off-licence hours

11. Wine on-licenses [Section 42]

Members raised questions in relation to the provisions for wine on-licenses under the General Scheme.

Representatives from the licensed trade opposed wine on-licences being allowed to apply for late trading licence on several grounds, including

- That wine on-licensed premises are not allowed to have a bar and must serve with table service only;
- That wine on-licensed premises are only permitted to sell alcohol alongside food;
- That wine on-licensed premises are not permitted to sell spirits or beer;
- That there are significant operational differences between running a food-led business that has a wine on-licence and running a late bar or entertainment focused nightclub.

CHAPTER 3 - Summary of Submissions

This note summarises the key issues raised in the submissions received.

The Committee received submissions from the following Stakeholders.

- Alcohol Action Ireland (AAI)
- Mandate Trade Union
- Music & Entertainment Association of Ireland (MEAI)
- Vintners' Federation of Ireland (VFI)
- Licensed Vintners Association (LVA)
- An Garda Síochána (AGS)
- Give us the Night
- Institute of Public Health (IPH)
- National Transport Authority (NTA)
- The Independent Craft Brewers of Ireland (ICBI)
- The National Private Hire and Taxi Association (NPHTA)
- Irish Community Action on Alcohol Network (ICAAN)

The following unsolicited submissions were also received by the Committee

- Liquor Licence Transfers
- FREE NOW
- Irish Medical Organisation (IMO)
- The Restaurants Association of Ireland (RAI)
- College of Psychiatrists of Ireland
- Irish Music Rights Organisation (IMRO)

Stakeholders welcomed the objective of the General Scheme to modernise and streamline the licensing laws in Ireland.

The submissions highlighted in particular, the reform of the ‘extinguishment provision’ for on-licences [Section 21]; the definition of ‘cultural amenities’ under section 72; concerns around the potential implications for public health arising from the General Scheme; and the potential impact of the General Scheme on public safety, the provision of transport and worker’s rights.

1. Reform of the 'extinguishment provision' [Section 21]

- Submissions opposed to this section argued that deregulation would lead to a decline in the number of rural pubs, could threaten established family businesses and may have consequences for public order and public health.
- Submissions in favour argued that the current system is anti-competitive, allows for a monopoly of the licensed market and deters innovation and new business from opening.

Submissions held varying views on the merits of Section 21 in relation to the 'extinguishment provision'. This would change the present approach to 'on-trade' sales, in which currently individuals must purchase a licence from an existing licence holder before being permitted to open a new premises or off-licence. The extinguishment provision would still apply for off licences.

Arguments *against* the removal of the 'extinguishment provision'

Stakeholders within the pub industry were opposed to this Section, arguing that it would have the opposite intended effect of re-invigorating the growth of rural pubs. While there was a 21% decline in the number of pubs in rural areas between 2001 and 2017, submissions argued that this was due to a decline in demand for pub services, rather than a lack of available pubs. If it were easier for more pubs to open, submissions argued this would result in increased competition in rural areas, where there is already an oversaturation of available pubs per person and thus lead to the closure of established rural pubs, which have an invaluable function as hubs within communities. Submissions argued that those who open new pubs may be less likely to succeed, as they would lack knowledge of the pub trade and the generational expertise necessary to maintain current standards and continue business effectively. Deregulation may also result in an influx of licensed premises being set up by multinational businesses, which would threaten established local and family pubs.

It was also highlighted that deregulation would have a negative impact on the value of pubs and would wipe out the value of licences, which are used by licence holders as an asset for their retirement fund or as collateral on loans. Others argued that liberalising the licensing system may have adverse consequences for both public order and public health, which are being protected under the current system.

Those opposed to this section recommended that, first and foremost, the Extinguishment for the on-trade be maintained in the General Scheme, as it is under current legislation. Submissions suggested that, if introduced, the sunset period towards deregulation should be a minimum of eight years rather than three years as suggested. Adequate supports should also be made available for publicans that intend to continue trading along with those who intend to cease trading or those who are planning succession.

From a public health perspective, stakeholders argued that this section could pose risks to public health if it results in an increase in the number and density of alcohol outlets within a given area and said that there should be a limit on the number of licences that are granted within on- and off-licence sectors. It was suggested that 'like for like' licences are granted, to ensure that an incoming premises would not contribute to an increase in alcohol related harms, and that the population size and the area concerned are considered when granting a licence.

Arguments *in favour* of the removal of the 'extinguishment provision'

Submissions in favour of section 21 pointed out that, as the General Scheme proposes that nightclub venues would still use a 7-Day Publican's Licence as their primary licence rather than creating a new type of alcohol licence for late-night venues, this supports arguments for the removal of the extinguishment provision.

Submissions argued that the current extinguishment system is 'anti-competitive' as it had allowed for a monopoly of the licensed market by larger drink companies and that the limits that had been placed on the number of licences available had increased the costs of opening new pubs. It was argued that removing the extinguishment provision

would remove a barrier against newer businesses opening, would increase innovation and diversify the night-time offerings within communities and allow more people to engage with their local night-time economy.

Submissions highlighted that current licenses are provided on the open market, where prices have fluctuated year on year and urged that the State instead should provide late-night permits, which should be set at a fair price for all operators. Submissions pointed out that the price range for late permits in other countries in Europe ranges from €500-€2,500 per annum. It was argued that factors aside from price should influence decisions around whether a licence be granted to an establishment, for example, based on whether the applicant is deemed appropriate or whether a community could support the business in question. Submissions also pointed out that licensing pricing should take into account the reality that for many establishments, late trading primarily operates 2 nights per week.

2. Cultural amenity licence [Section 72]

- Concern that permitting these additional venues to serve alcohol may normalise the consumption of alcohol at cultural and sporting activities.
- Definition of ‘cultural amenity’ and criteria around the granting of this licence must be more specific.
- Cultural venues should be allowed apply for a yearly late permit.

Section 72 would create a cultural amenity license for venues that would not usually have a license, e.g. museums, galleries and theatres. Concerns were expressed that the diversification of licensing and the expansion of the events and establishments in which alcohol may be provided, would normalise its consumption at social, cultural and sporting activities and increase the likelihood of alcohol-related harms.

Submissions urged that the definitions of ‘cultural amenity’ and ‘function’ should be more specific. It was argued that current definitions may allow for increased competition from other operators, which could decrease vital employment opportunities for those within the music and entertainment sector. The definition of ‘function’ should not allow parties or events to be held in these venues under such a licence.

Stakeholders expressed concerns that the criteria surrounding the granting of these licences may be too broad or vague. It was argued the legislation should clearly stipulate a limited set of criteria that the Minister would follow in granting this licence to cultural venues. Submissions stated that previous instances had occurred where cultural premises had abused theatre licences by using them as a ‘back-door’ to enter the licensed trade. Other recommendations in relation to the cultural amenity licences include:

- That the use of these licences should not be extended to third party promoters;
- Legislation should set out the penalties for breaching the conditions attached to these licences and these penalties should mirror those that apply for breaching seven-day licences;

- That the number of occasional late licences granted to a cultural premises must be limited to 12 per year, to reflect that alcohol sales are additional to the cultural event taking place;
- Venues should be subject to commercial rates.

Other stakeholders argued the licence as proposed should have included a provision allowing cultural premises to hold a range of 'late' events without first requiring them to obtain an Occasional Late Hours Order. It was said that the current approach ignores the potential for these cultural venues to host a range of diverse events in the night-time, in which the sale of alcohol would be a minor element.

Stakeholders recommended that cultural venues should be allowed apply for a yearly late permit and they should also be granted a set amount of Occasional Late Hours Orders at the start of every calendar year. These would encourage venues to devise new and innovative events without the requirement to wait and apply for permission from the courts to undertake these events.

3. Concerns around the potential implications for public health arising from the General Scheme

- Objectives of the General Scheme counters recent public health efforts to decrease alcohol consumption.
- International evidence demonstrates either static or increased levels of crime associated with the extension of licensing hours.
- Public health should be a central purpose of the General Scheme and a Health Impact Assessment of the General Scheme should be undertaken.

Several submissions underlined concerns surrounding the potential public health impacts that may arise from the General Scheme as proposed. It was pointed out that the objectives of the General Scheme to extend licensing hours contradicts recent public health efforts to decrease alcohol consumption, in particular measures contained within the *Public Health (Alcohol) Act 2018*.

Data on current alcohol use and harms in Ireland

Submissions highlighted that in 2019, Ireland had one of the highest rates of alcohol consumption per annum in the world and that alcohol consumption in Ireland remains at 80% above the global average, with 4 deaths in Ireland every day attributed to alcohol. Alcohol related harm also incurs significant costs to the Exchequer costing €3.7 billion euro per year and adversely impacts on the provision of health and emergency services. For example, a study of Irish emergency departments found that almost one third (29%) of presentations to emergency departments in the early hours of Sunday morning were alcohol related.

Submissions referred to evidence that the density of and proximity to alcohol establishments in a particular area have been shown to increase the levels of alcohol-related harm experienced in this area and pointed out that the per capita density of bars in Ireland is among the highest in the world.

Stakeholders also argued that international evidence demonstrates either an increase in violent crime linked with the extension of opening hours for licensed premises, or that the levels of crime remain static but are spread throughout these extended opening hours. Where rates of crime are spread out over a longer period, this resulted in increased resourcing demands on police forces and the need to re-arrange shift patterns to accommodate this change (see also [Point 4](#)).

Conversely, submissions highlighted studies which demonstrated that *reducing* late-night licensing hours decreases rates of violence and is an effective strategy to reduce excessive alcohol consumption and alcohol-related harms.

Need for clarity relating to harms of alcohol for children

Submissions recommended that there should be greater clarity within the General Scheme on some of the provisions relating to the harms of alcohol for children. Among the specific concerns raised include:

- **Section 2** – The use of the terms child and young people should be defined more clearly, as ‘child’ is defined under Section 2 as a person under the age of 15 years, while Parts 5 and 7 refer to those under the age of 21 and 18 respectively in the same context.
- **Section 95** – This should be reviewed, as the unrestricted serving of alcohol in holiday camps is questionable, given the number of children that are present in this setting.
- **Section 99** – Research from other jurisdictions demonstrates that use of online retailing to purchase alcohol is used by those under the legal age to bypass age verification requests. The regulation of distance sales of alcohol within the General Scheme should be stronger and submissions recommended that distance sales of alcohol should include age verification requests at the point of sale and at the point of delivery.
- **Section 146** – The General Scheme should ensure that no alcohol is made available during children’s activities or events that take place in such clubs.

- **Section 117** – It was recommended that a minimum age requirement for both purchase and consumption of alcohol be stipulated under the legislation. This could be similar to the Netherlands, where the minimum legal purchase and consumption age is from 16 to 18 years.

Submissions made some of the following recommendations regarding public health concerns and the General Scheme:

- **Public health** should be a central element of licensing and a central purpose of the legislation;
- A **Health Impact Assessment** of the General Scheme should be undertaken to consider health implications arising from this legislation;
- There should be a **limit on the density of alcohol outlets** in a specific area;
- **Monitoring alcohol sales:** It was suggested that license holders should be obligated to provide data on alcohol sales to an appropriate body (e.g. HSE, Health Research Board) as a condition of their license, as it is difficult to ascertain how much alcohol is sold in a particular premises or town in Ireland due to lack of available data. This would assist such groups in discerning and responding to local patterns of consumption and harm and better inform them when renewing or objecting to the granting of licenses;
- **Gambling:** Stakeholders argued that research has demonstrated the links between alcohol abuse and gambling addictions and recommended that the provisions within this legislation align with the provisions contained in the *Gambling Regulation Bill 2022*.

4. Impact of General Scheme on public safety, access to transport and worker's rights

- Extended opening hours for licensed premises may result in increased level of anti-social behaviour and increased incidents of public order offences and crime.
- Workers should be provided with transport home when working unsociable hours and should receive premium pay for hours worked after 11:30pm.
- The feasibility of operating certain transport services during the later opening hours of licensed premises and the impact of later opening hours on transport staff must be further assessed.

Submissions discussed the potential impact of the extension of the opening hours of bars and nightclubs [Section 89 and Section 44] on public safety, transport and worker's rights.

Public safety

An Garda Síochána (AGS) argued that the extension of opening hours may result in the potential for an increase in anti-social behaviour, including assaults, sexual assaults, offences against public order, increased incidents of crime and increased noise levels throughout the night. It was pointed out that it cannot be assumed that extending the licensing hours will result in a staggered exit from nightclubs and a bottleneck of people trying to exit these premises may now occur at 6am instead of 2 or 3am.

The extended hours will increase demand on Garda resources and will require a redistribution of resources. While previously the period between 5am to 7am had fewer calls and allowed Gardaí to focus on other areas of policing, this period will now require more active patrolling to ensure the safe and controlled exit of individuals from areas surrounding these venues.

The licensing hours may also increase demand on roads policing resources, as many pedestrians on the streets around venues would be more vulnerable to traffic, having consumed alcohol, while the need for increased public transport services would also result in higher levels of traffic around these venues.

AGS recommended that a review be undertaken on the experience of other jurisdictions that have extended the opening hours of licensed premises, to further ascertain the implications for policing and public safety.

Submissions also recommended the implementation of a statutory, anonymised system of data sharing from hospital emergency departments and police stations, which would provide data around alcohol-related harms and violence that occur at night. This data would help inform policy and assist in developing strategies to reduce these harms. The Cardiff model, operating on similar principles, was shown to reduce violence related hospital admissions by 35% and to reduce serious violence recorded by police by 42%. It could also provide a system through which potential changes brought around by this legislation could be monitored.

Access to transport

The National Transport Authority (NTA) stated that it supports the recent efforts to re-invigorate the evening and night-time economy and is working with relevant stakeholders to provide sufficient levels of public transport during the night for those engaging with and working within the night-time economy.

The NTA pointed out that there are already ten 24-hour / 7-day bus routes operating in Dublin under the BusConnects programme and that it is anticipated that further 24-hour / 7-day bus services will be commenced in Dublin over the next few years, provided that there are sufficient numbers of drivers available to operate these services. BusConnects network for Cork anticipates a second 24-hour / 7-day bus route being opened and the NTA said that the redesign of the Galway, Limerick and Waterford network of bus services will evaluate the need for additional late-night transport services in these cities.

Notwithstanding this, the NTA pointed out that if the licensing hours are extended as proposed under the General Scheme, further examination will be required to ascertain whether it will be possible to extend some of the current transport services in order to operate during the later opening hours of licensed premises; the impact that the extended opening hours would have on transport operators and staff; and the cost to the Exchequer of facilitating additional transport operating hours.

Worker's rights

Mandate Trade Union made several recommendations as to what should be considered within the General Scheme in relation to worker's rights. Among these include:

- Legislation should require that employees receive premium pay for hours worked after 11:30pm;
- That transport should be provided or funded for staff who work unsociable hours in the night-time industry, to ensure they can get home safely;
- That legislation is introduced creating a statutory offence for threatening, abusing, assaulting or sexually assaulting those working within the licensed trade;
- The legal obstacles which deny workers the rights to establish their terms and conditions through collective bargaining mechanisms must be removed, as these terms and conditions have been weakened in recent years;
- That all employees should have access to counselling where necessary;
- There should be stronger penalties for those who breach the *Organisation of Working Time Act, 1997* in relation to breaks and do not remunerate staff for time spent cleaning at the end of shifts.

5. Additional recommendations for the General Scheme from stakeholders within the pub industry

- Restaurant operators must give assurances that their premises does not contain a bar when granting and renewing a licence.
- If profits from alcohol sales exceed those from food sales in a given year, restaurants should be obligated to apply for a seven-day licence.
- Wine on-licenses should not be allowed apply for late trading licences.

- Restaurant Licensing

While submissions from stakeholders within the pub industry supported some elements of restaurant licensing as proposed within the General Scheme, suggestions were put forward to improve elements of this licensing.

It was recommended that increased monitoring and enforcement should occur to guarantee that restaurants do not contain a bar counter. This could include enforcement by Gardaí and operators should also be obligated to undertake before the courts that their establishment does not contain a bar when they are renewing or requesting a licence.

Other suggestions include that restaurants must apply for a seven-day licence if their profits from alcohol sales exceed those from their food sales within a given year; that restaurants licences should set out 11:30pm as a closing time; and that each premises may apply for one licence only.

This section should also stipulate that restaurants would only provide table service when serving alcohol.

- Wine on-licences and eligibility for late trading permits [Section 42]

Submissions objected to the prospect that wine on-licences may be allowed to apply for late trading licences. They argued against this on several grounds, including that wine on-licence establishments are not allowed to have a bar; that they are only permitted to sell wine and are not allowed sell spirits or beer; and that there are significant differences between operating a food-led business with this licence and running an entertainment-led late bar or nightclub.

6. Other additional recommendations

- **Objection to renewal of retail licence [Section 39]**

Several submissions referred to section 39 and the criteria surrounding objections to the renewal of retail licences. Some suggested that consideration of public health should be stipulated within this section, so that a licence may be objected to on the basis that an owner has not protected or improved public health. This section could also include criteria surrounding the extent to which owners had followed best practice to minimise harm to staff and customers, by providing non-alcoholic products and free water; promoting low-risk alcohol guidelines; and ensuring that staff complete annual online training in relation to the harms of alcohol.

Others argued that this section as formulated is too broad and could be open to abuse. It was recommended that any claims of harassment must not be a defence in refusing the renewal of a licence unless the accusation of harassment had been convicted in a court case. The legislation should also stipulate that objections may be dismissed if an owner can prove that they had a clear harassment policy which was known by all staff and adhered to.

Stakeholders suggested that the role of the HSE in renewing licences be reviewed by the Department within a two- or three-year period. It was also suggested that all local authorities should have a noise mediation service in place in order to assist with increased noise-related complaints from residents that may arise.

Submissions recommended that this section should specify that where provisions of employment law are breached, the premises should have their licence temporarily or permanently revoked. In addition, workers or their selected representatives should be included in groups that may object to a licence if an owner has previously breached employment law.

- **Abolition of Special Exemption Orders (SEOs) [Section 101]**

Stakeholders welcomed the abolition of Special Exemption Orders (SEOs) and the introduction of annual late bar permits and annual nightclub permits. It was argued that SEOs had been prohibitively expensive, had hindered the ability of businesses to plan events and had been a poor use of time for the courts and for Gardaí.

Submissions recommended that the new system should incur only a fractional cost (if any) to encourage their use. The application process should be streamlined and available online and organizers should only be required to present before the courts if they are a first-time applicant or if they are applying for an event in a location that will be used for the first time.

Stakeholders argued that the new system must ensure flexibility and enable organizers to apply for a permit on the week or even the day of the event in questions, provided that the individual has engaged in the application process previously and is deemed to be reliable. The opening hours set out under these permits should be available across each local area in Ireland to ensure fair competition.

- **Producer's licence [Section 171] / Producer's retail licence [Section 172]**

The ICBI argued that, under Section 171, a Producer's Licence should enable manufacturers of craft beer to sell their own product on their premises and they should also be allowed extend their licence to let them sell their products at occasional events, e.g. local markets.

In relation to section 172, if it is decided that a court certificate is required for all retail licence holders, the ICBI recommended the following changes:

- That the opening hours under these licenses should be streamlined and amended to 10:30am, to ensure consistency with other premises under the legislation;

- That the closing hours should be consistent with the new hours proposed for off licences and should be at 10pm rather than 7pm;
- That the arbitrary precondition where guests must purchase a ticket and complete a guided tour of the premises before they are permitted to purchase alcohol on these premises is removed.

APPENDICES

APPENDIX 1- ORDERS OF REFERENCE OF THE COMMITTEE

Standing Orders 94, 95 and 96 – scope of activity and powers of Select Committees and functions of Departmental Select Committees

Scope and context of activities of Select Committees.

94.(1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it 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;

(b) 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;

(c) it 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 Standing Order 125(1)⁴; and

⁴ Retained pending review of the Joint Committee on Public Petitions

(d) it 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 office-holder of a State body within the responsibility of a Government Department or

(iii) the principal office-holder of a non-State body which is partly funded by the State,

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

(3) 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 to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

Functions of Departmental Select Committees.

95. (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

(i) a Government Department, and

(ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

- (a) consents to such consideration, or
- (b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,
- (b) Estimates for Public Services, or
- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.

(8) Where a Select Committee proposes to consider—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, 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, or
- (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
 - (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—

- (a) 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 that the provisions of Standing Order 130 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.⁵

⁵ Retained pending review of the Joint Committee on Public Petitions.

Powers of Select Committees.

96. Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

(a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory

Instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil,

and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially

responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State,
shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).'

APPENDIX 2 – ADDITIONAL CORRESPONDENCE, LIST OF STAKEHOLDERS AND SUBMISSIONS

This Appendix includes additional correspondence received from witnesses following the Committee's PLS hearings and the submissions received by the Committee, which will be available in the online version of the Report at <https://www.oireachtas.ie/en/committees/33/justice/>.

List of Stakeholders

The Committee received submissions from the following stakeholders:

- Alcohol Action Ireland (AAI)
- Mandate Trade Union
- Music & Entertainment Association of Ireland (MEAI)
- Vintners' Federation of Ireland (VFI)
- Licensed Vintners Association (LVA)
- An Garda Síochána
- Give us the Night
- Institute of Public Health (IPH)
- National Transport Authority (NTA)
- Independent Craft Brewers of Ireland (ICBI)
- National Private Hire and Taxi Association (NPHTA)
- Irish Community Action on Alcohol Network (ICAAN)

The Committee also received submissions from the following:

- Liquor Licence Transfers
- FREE NOW
- Irish Medical Organisation (IMO)
- The Restaurants Association of Ireland (RAI)
- College of Psychiatrists of Ireland
- Irish Music Rights Organisation (IMRO)



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Mr Alan Guidon
Clerk to the Oireachtas Committee on Justice
Leinster House, Kildare Street
Dublin D02 XR20
By email justice@oireachtas.ie

2 February 2023

Re: Sale of Alcohol Bill

Dear Mr Guidon

I would like to express my thanks to you and the members of the Justice Committee for the opportunity to meet on 31 January 2023.

The main points which we hope will be considered by the Committee are:

1. The need for a period of reflection on the public health implications of any changes to the licensing hours and the extinguishment requirement. This could be done via a Health Impact Assessment.
2. Consideration of statutory monitoring of alcohol harms and in particular, we suggest that the Cardiff Model be examined given its success in reducing hospital admissions by 35% and serious violence by 42%
3. A levy system on alcohol outlets to be ringfenced for addressing alcohol harm which currently cost the exchequer €3.7 billion annually and without a change will reduce Ireland's GDP 2% annually by 2050.

We appreciate that the hospitality industry was seriously impacted by the pandemic. However, the changes proposed in this Bill will likely be with us for decades – far beyond the time of Covid-19. This does not seem a good enough reason to further jeopardise the health and wellbeing of our citizens.

I would appreciate if this letter could be passed on to the Committee members.

Yours sincerely

Dr Sheila Gilheany, CEO, Alcohol Action Ireland

Alcohol Action Ireland Directors Prof Frank Murray. (Chair), Catherine Brogan, Pat Cahill, Paddy Creedon, Michael Foy, Dr Jo-Hanna Ivers, Marie-Claire McAleer, Dr Mary O'Mahony, Dr Colin O'Driscoll, Dr Bobby Smyth, Tadhg Young

Patron Prof. Geoffrey Shannon

Alcohol Action Ireland is a registered Irish Charity. Registered Charity Number: 20052713 Company No: 378738. CHY: 15342.

3/2/23

Dear Alan,

I would like to again thank you and members of the Committee for inviting us to last week's meeting.

We respect the work of all of the public health spokespeople in this week's meeting, however we feel that there was a misrepresentation and general distortion of reality by witnesses in relation to our sector.

We observed with some concern how the meeting unfolded, and the amount of claims that were made about the night-time industry in relation to extended times, that were not backed up with any type of compelling data. Like witnesses on Tuesday, we could easily present the results of public polls to members that have been carried out consistently over the last five years, including the Dublin City Council 'Your Voice Your City' study on night-time economy in 2020. However we feel that progressive solutions (including international best practices) are more valuable to help inform the modernisation and improvement of nightlife in Ireland.

Having been involved in this conversation for many years now, I have noted that alcohol experts have never had any specific data on the late-night industry or the nightclub industry in general. Instead we are labelled as an almost by-product of pubs, when our social role and value (to young people particularly) is very different. Nightclubs' roots are not in the pub industry. Although we have been unnecessarily tied into the pub licensing system, our purposes are not the same.

To put our size into context: there are approximately 6,600 pubs and 85 night-time dance venues/clubs in Ireland. Currently some of these clubs trade for as little as 6-8 hours per week. Given the growing share of the alcohol market that now lies in the off-trade, it should be very clear that our total output of alcohol sales is minuscule in the bigger national picture.

Something that was hard to miss in Tuesday's meeting was the unwillingness of some witnesses to reach any type of middle ground in response to the proposed licensing changes. Some members attempted to reach a 'compromise' position with witnesses but were unsuccessful. We were also surprised that the concept of harm reduction and importance of education on alcohol were dismissed outright. This is of marked difference to experts who specialise in the subject of recreational drugs, who are continually searching for new and innovative ways to reduce drug related harm.

Given the considerable push from campaigners to establish minimum unit pricing in the off-trade, we were also surprised to hear no reference of the excessive cost of alcohol in the on-trade, which is resulting in a vastly reduced volume of alcohol being sold in these venues. We heard nothing about the upsurge in popularity of non-alcoholic drinks either, or any discussion about the promotion of low-volume alcohol products in preference to higher potency ones, an area of work that has begun to yield positive results in the UK.

We heard a few examples by Alcohol Action Ireland being used in relation to extended times, and would like to add some points of clarification.

To start: “a 1-hour extension of alcohol outlet closing times in Amsterdam's nightlife areas was associated with 34% more alcohol-related injuries.” We were curious about this figure as we don’t recall a change to licensing hours in recent memory. We were able to check via the Arts & Culture Policy Advisor for the City of Amsterdam yesterday who hadn’t heard about the selected study. She checked with her colleague in the Public Order and Safety Department, who also wasn’t aware of it and who queried its origins. After a further check we discovered that there was a study but that it wasn’t commissioned by the city or used to inform new policy that we know of. The 34% part did not refer to all of the city’s nightlife areas as was inferred by Alcohol Action Ireland. The process of change in Amsterdam nightlife has been consistently informed, practical and ever-moving. Indeed, in the time since this study was carried out, some 24-hour licences have even been granted in the city.

We strongly warn against judging a world-leading city like Amsterdam based on a figure as quoted above, especially in the manner that it has been presented (without full context, date, exact location, premises types etc). Achieving the best licensing arrangements for both the night-time industry and the public at large is a nuanced, work-in-progress process (which Holland excels in). This happens to be completely at odds with Ireland’s approach to date.

The well-worn example of Norway, from a study carried in 2012, is a relatively insignificant statistic, and I should point out that Lithuania (another country highlighted at Tuesday’s meeting) is quite flexible in relation to closing times. On average, nightclubs in Lithuania currently shut at 7am.

The UK Licensing Act 2003 is sometimes referred to by opponents to modernisation of our laws, however we have not seen a single statistic that supports the claim that the act failed. Generally the criticism was that the legislation didn’t deliver everything that their government promised (which is fair) but the facts are clear, the legislation itself did not fail. We would welcome members to read this extensive report by the Local Government Association. A key statistic is “the number of violent incidents involving alcohol falling by over half from approximately 999,000 in 2006/07 to 464,000 in 2016/17”

<https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0>

Ultimately though, the test is not what happened in other countries. It will be what happens in Ireland. We are not predicting that it will be a seamless transition, however we expect that this moderate reform is one that people will soon get used to, which is a positive and long overdue change that will only enhance Ireland's night-time economy and offering.

On that note, in Dublin City (Garda Division B), where venues were once permitted to open to 3.30am and later under the theatre licence, public order offences dropped steadily from 2005-2008 (peak point of theatre licence usage) according to CSO figures. This was attributed to the effect of staggered closing created by the licence, a sentiment shared by Garda Superintendent Joe Gannon of Pearse Street Garda Station, when he spoke to the Irish Times in 2008:

"When we had the theatre licences one lot were coming out of bars at 2.30am and another lot coming out of the late clubs at 3.30am, so there were people on the streets until about 5am. "Now they are all coming out together at 2.30am. The fast-food places don't have the capacity for them all, so a lot head straight home. If it is staggered, there is less volume at once, which is easier to deal with. There is less potential for volatility on the streets."

The primary function of nightclubs is not to be a "late drink" outlet. The late bar moved into that space just over 20 years ago. The traditional pub crawl that often ended in a nightclub, is for the most part no more.

First of all it's because we have few nightclubs left, and also because the public can access a late bar (without a door charge). Regulations have tightened post-millennium too - security staff must be PSA approved (Private Security Act 2004), and CCTV installation is now required in all venues. Security staff (and this follows European standards) are much stricter on the door than they used to be. Venues in Ireland take their responsibilities more seriously than ever.

We understand frustrations regarding the update of the Public Health Act, but it has little to do with this particular reform. We have waited nearly 20 years for the Sale of Alcohol Bill to be published and passed. There is nothing sudden about it arriving into the Houses of the Oireachtas (two years after Minister McEntee's first official announcement). There has been extensive consultation in relation to the bill, and this legislation cannot be delayed any further.

Two additional points to make from last week's meeting:

1. We support the ability of Wine Retailer's On Licence holders to apply for a nightclub permit, and want point out that it will only be existing licence holders at the time of the laws being enacted, who will be able to avail of the nightclub permit in the future.

2. In reference to our request to exempt new nightclub operators from the extinguishment process, we'd like to convey to members that some potential nightclub projects in the future will be temporary (as they often are), and dependent on how long a building is available for. In the case of 'pop up' or meanwhile use projects like this, the purchase of a 7-Day Publican's Licence would be unfeasible.

Many thanks for your time.

Yours sincerely.

Sunil Sharpe - Give Us The Night

From: Juliet X. Dwyer <JXDwyer@justice.ie>
Sent: Tuesday 7 February 2023 16:01
To: Justice <justice@oireachtas.ie>
Cc: Patricia M. O'Moore <PMOMoore@justice.ie>; Patricia M. Butler <PMButler@justice.ie>
Subject: The Sale of Alcohol Bill PLS query.

Dear Mr Guidon,

I am writing to you in relation to the meeting of the Joint Oireachtas Committee on Justice of 31 January, which undertook pre-legislative scrutiny of the General Scheme of the Sale of Alcohol Bill 2022.

At this meeting, the Chairman posed a question in relation to mixed trading provisions in the General Scheme. I highlighted General Head 98, and indicated I would revert to the Committee in relation to this.

To that end, General Head 98 states:

"98.____(1) Subject to *subsection (2)*, where non-licensed business is carried on in any licensed premises and the part of the premises in which the non-licensed business is carried on is not structurally separated from the remainder of the premises –

(a) the opening or keeping open of the premises for the purpose of carrying on the non-licensed business shall be permitted at any time, and

(b) the licensee shall cause a notice setting out the times during which alcohol may be sold under this Act in respect of that premises to be displayed at all times in a conspicuous place in the premises.

(2) In the case of licensed premises referred to in *subsection (1)* to which an on-licence is attached, physical access to intoxicating liquor on those premises shall be securely prevented at all times during which alcohol may not be sold under this Act in respect of the premises.

(3) The licensee who contravenes *subsection (1)(b) or (2)* is guilty of an offence and liable on summary conviction to a Class A fine."

The type of occasion envisaged might be where a pub opens to serve breakfast before normal hours to allow customers view a live international sporting event happening in a distant time zone.

The Memorandum for the Government which was approved on 25 October 2022 outlines that this draft section sets out the requirements that must be met when premises with on-licences open to serve non-alcoholic products outside of the hours when the sale of alcohol is permitted. In such cases, access to alcohol must be securely prevented. It is proposed that this measure would assist An Garda Síochána in their enforcement activity.

The permitted opening hours for premises that do not hold an intoxicating liquor licence are matters for local authorities under the Planning and Development Acts.

I hope this information is of assistance.

Kind regards,
Juliet Dwyer.

Juliet Dwyer

Príomhoifigeach / Ceartas Sibhialta — Reachtaíocht
Principal Officer / Civil Justice

An Roinn Dlí agus Cirt
Department of Justice

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Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú.

Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le mailminder@justice.ie chomh maith.

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1 Dec 2022

Alcohol Action Ireland (AAI) is the national independent advocate working to reduce harm from alcohol.

We campaign for the burden of alcohol harm to be lifted from the individual, community and State, and have a strong track record in effective advocacy, campaigning and policy research.

Our work involves providing information on alcohol-related issues, creating awareness of alcohol-related harm and offering public policy solutions with the potential to reduce that harm, with an emphasis on the implementation of the Public Health (Alcohol) Act.

AAI support the work of the HSE Alcohol Programme, informing strategic alcohol initiatives as an instrument of public health planning.

AAI is a member of the Public Health Alcohol Research Group established by the Minister for Health in Ireland to advise on evaluation research.

We act as the secretariat to the Alcohol Health Alliance Ireland, as its co-founding member, and serve on the Board of Eurocare – European Alcohol Policy Alliance, Brussels.

Alcohol Action Ireland very much appreciates the opportunity to bring evidence to the Oireachtas Committee on Justice in relation to its pre-legislative scrutiny on the General Scheme of the Sale of Alcohol Bill which was published on 25 October 2022.

Alcohol Action Ireland

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Patron Prof. Geoffrey Shannon

Alcohol Action Ireland is a registered Irish Charity. Registered Charity Number: 20052713 Company No: 378738. CHY: 15342

Alcohol Action Ireland Submission to Oireachtas Committee on Justice on the General Scheme of Sale of Alcohol Bill

Contents

Summary	3
Section 1: Alcohol use in Ireland	4
Section 2: Alcohol harms in Ireland	5
Section 3: Evidence in relation to licensing hours	6
Section 4: Evidence in relation to density of alcohol outlets	7
Section 5: Addressing alcohol availability as a public health context	9
Section 6: Public Health (Alcohol) Act 2018	10
Section 7: Licensing hours and locations	10
Section 8: Extinguishing of licenses.....	11
Section 9: Monitoring of density of alcohol outlets	11
Section 10: Monitoring of alcohol sales and impact	11
Section 11: Cardiff Model	12
Section 12 Role of Health Service Executive clarified.....	13
Section 13 Gambling Regulation Bill	14
Section 14 Levy on industry	14
Conclusion	14
References.....	15

Summary

Alcohol Action Ireland supports the modernisation and streamlining of the alcohol licensing process. We also welcome opportunities to enhance night-life in Ireland.

However, there is an underlying assumption in the Bill that in order to have a vibrant nightlife, there must be additional provision for alcohol sales. There is very little consideration given to the harms associated with the increased availability of alcohol and to public health matters.

Ireland has a profoundly unhealthy relationship with alcohol, which is a psychoactive substance that has huge human and financial implications across society in Ireland. In Ireland, alcohol licensing cannot be viewed simply as an administrative process that will allow businesses to garner more trade. Alcohol is 'no ordinary commodity – 'it causes cancer, is neurotoxic, a teratogen and addictive. Sale of alcohol is unique and is therefore unlike the sale of any other product. The wellbeing of citizens and public health considerations must be given primacy in relation to this Bill.

Alcohol Action Ireland considers that there is a need to include a number of elements in the Bill.

1. The health of the public should be a core element of licensing. This should be stated in the legislation as a primary purpose of the Bill.
2. A Health Impact Assessment of the Bill should be carried out in a structured way to examine health considerations.
3. A statutory system to monitor the impact of alcohol sales in specific areas and in individual premises is essential. The Bill makes provision for the HSE/Gardai/community groups to make objections to grant or renew a license. However, unless these groups have access to the key information, they will be unable to do so effectively. Licensee holders must be required to give details of their alcohol sales as a condition of license renewal. This must be built into the licensing grant and renewal system.
4. There should be a statutory maximum limit on the density of alcohol outlets and detailed monitoring of the density of alcohol outlets
5. Consideration should be given to other data monitoring systems such as the [Cardiff Model¹](#) which has been shown to reduce violence related hospital admissions by 35% and serious violence recorded by the police by 42%.
6. We propose a levy system which would enable licensing authorities to raise a contribution from alcohol suppliers towards the costs of alcohol harm to the State.
7. Give consideration as to how this Bill relates to other legislation including the Public Health (Alcohol) Act 2018 and the recently proposed Gambling Regulation Bill.
8. Provide clarity on some of the provisions in relation to harms of alcohol to children.
9. Provide clarity on the role of the Health Service Executive.

There are also significant concerns about a number of aspects of the Bill as proposed which are likely to lead to increased alcohol use and consequent increased alcohol harms. These concerns reflect the robust evidence-base which demonstrates that alcohol sales and harms are increased in proportion to the duration of time that alcohol is on sale. These include:

10. The general extension of licensing hours of all bars/restaurants from 11.30pm to 12.30am
11. The facilitating of late-night opening of bars to 2.30am
12. The extension of nightclub hours to 6am
13. The introduction of cultural amenity licenses to venues not usually having a license – eg museums, galleries, theatres etc.
14. The revoking of the requirement to extinguish a license before opening a new premises. This will likely increase the number and density of alcohol outlets.

Ireland's public health policy in relation to alcohol is set out in the strategy document, Reducing Harm, Supporting Recovery - A health-led response to drug and alcohol use in Ireland 2017-2025. A key part of that strategy is the implementation of the Public Health (Alcohol) Act 2018. While some progress has been made in this area, there are significant measures within the Act which have not yet been implemented which is delaying progress towards achieving its goal of a 20% reduction in alcohol use.

The measures proposed under the Sale of Alcohol Bill will further undermine progress in reducing the harms from alcohol in Ireland.

Section 1: Alcohol use in Ireland

Over the last 50 years, alcohol use in Ireland² trebled. In 2019 Ireland had one of the highest rates of annual alcohol consumption in the world at 10.8 litres per capita, and failed to reduce alcohol consumption to the Government target of 9.1l per capita.

Alcohol consumption in Ireland is 80% above the global average and 19% above the Department of Health target of 9.1 litres per capita. During the pandemic there was a reduction in alcohol consumption to 9.5 litres per capita, likely due to public health measures such as prolonged pub closures, and indications are that in 2022 consumption has rebounded to near pre-pandemic levels.

This equates to annual alcohol use of 223 cans of beer PLUS 11 bottles of gin/vodka PLUS 39 bottles of wine PLUS 35 cans of cider per drinker.³

A Health Research Board study⁴ demonstrated that a high level of alcohol consumption and related harms arises from heavy episodic drinking (HED)- ie, binge drinking. Ireland has a particularly high level of HED, ranking eighth in the world⁴. The HRB recommends that population-based approaches to reducing alcohol-related harm are most appropriate in the Irish context.

There is a popular myth that only people with a dependency on alcohol have an alcohol problem, or cause problems in society or the family. This has been long debunked. Such a narrative is a powerful impediment to political understanding of the necessity of legislative measures to reduce alcohol use.

Section 2: Alcohol harms in Ireland

Alcohol is a major cause of death, illness and disease, hospitalisations, self-harm, and violence in Ireland and has serious impacts on public health and health service delivery.

Four people die every day⁵ from alcohol in Ireland – 1460 annually. One third of these deaths are from incident and injury eg falls, assaults, traffic collisions, self-harm.

- One in two people in Ireland drink at hazardous or harmful levels equating to an estimated 1.5 million people⁶, and an estimated one in seven people in Ireland, or 578,000 people, have an alcohol use disorder, with 40% engaging in heavy episodic drinking (i.e., binge drinking) at least once a month.
- 37% of drinkers aged 15-24 years old have an alcohol use disorder
- Increasing the duration and locations at which alcohol is available results in increased alcohol-related harms including assaults, injuries, and road traffic collisions.

The estimated **economic cost**⁷ to Irish society of problem alcohol use annually is €3.7 billion, including a cost of €1.2 billion to the healthcare system for alcohol-related illnesses and a cost of €1.19 billion to the justice system due to alcohol-related crime.

For example:

- A study⁸ in 29 emergency departments in Ireland found that alcohol-related presentations accounted for 6% of all presentations, with 57% arriving by ambulance. In the early hours of Sunday morning, alcohol-related presentations accounted for 29% of all presentations.
- The average length of stay in hospital for alcohol-related conditions increased from 6.0 days in 1995 to 10.3 days in 2018.²
- Alcohol is involved in an estimated 50% of suicides⁹ in Ireland.
- Hospital admissions for alcohol related liver disease (ALD) has risen 262% from 1995 to 2017, reaching the highest it has ever been since recording began at 102.3 discharges per 100,000 persons.²
- The hospital mortality rate for ALD patients in Ireland is 8.4%, more than double that reported for common conditions such as heart disease, stroke or cancer.

Alcohol not only harms the health of individuals, but causes significant **harm to others** and our communities, including many 'hidden harms':

- Ireland has the third highest rate¹⁰ of Foetal Alcohol Spectrum Disorders (FASD) among children and youth in the world, at 47.5 per 1000 population. FASD is associated with physical, mental, educational, social, and behavioral difficulties.
- At least one in 6 children experience harm from parental problem alcohol use.⁷
- One in two people in Ireland report experiencing harm due to strangers' drinking.⁷
- Alcohol plays a prominent role in domestic, sexual and gender-based violence. Research in Ireland found that alcohol was involved in 34% of domestic abuse cases and almost half of adult sexual assault cases.¹¹
- The Probation Services found that alcohol was linked to the current offence of 53% of clients¹².
- Typical alcohol-related crimes include drink driving, public disorder, assault, criminal damage, sexual and domestic violence. The President of the District Court, Judge Peter Kelly commented, *"If alcohol disappeared overnight, the courts could close down."*¹³

Section 3: Evidence in relation to licensing hours

Availability and accessibility of alcohol¹⁴ are the main determinants of alcohol use and alcohol-related harm in the population, as outlined in the World Health Organisation's (WHO) SAFER initiative.

The WHO has consistently identified restrictions on alcohol availability as a highly effective and cost-effective 'best-buy' for the prevention and reduction of alcohol harm.

International evidence¹⁵ is overwhelmingly clear that any changes in the number and density of licensed premises, as well as permitted trading hours, are associated with changes in the patterns of alcohol-related harms and evidence is growing for its impact on increasing chronic health harms.

It is commonly believed in Ireland that because European cities have liberal laws around licensed premises, they don't have problems with alcohol. This is not the case.

In Germany, where laws around alcohol are lauded by those citing its buoyant nighttime economy, the country is *'one of the most-addicted societies in the world,'* according to a study¹⁶ by the German Central Office for Addiction Issues. Alcohol-related costs in Germany are estimated at €40 billion annually.

In France a 2021 report identified that 30% of the population has an alcohol problem. Alcohol is the leading cause of hospitalisation in the country and accounts for 41,000 deaths annually.¹⁷

Other examples demonstrating relaxed alcohol laws and increased harms include:

- The Licensing Act 2003 in England enabled staggered closing times and one of the stated aims of the Act was to reduce violence and disorder at fixed, peak closing times. Research¹⁸ demonstrated that there was no change in overall levels of violence, that violence was shifted later into the night and for most hospitals, admissions relating to alcohol increased.
- Research¹⁹ from Norway in 2012 suggested that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime.

In Ireland, An Garda Síochána have highlighted²⁰ an increase in alcohol-related offences, which they attribute to a buoyant night-time economy. In 2017, Gardaí reported that public drunkenness offences in Dublin were 40 per cent higher than in 2016, and that public-order crime had increased 14 per cent. In 2019, Deputy Commissioner Twomey, said that the number of crimes against the person, including assaults and increases in the summer months, which he believed was related to the consumption of alcohol.

Conversely, studies in Switzerland²¹, Australia and New Zealand have demonstrated that reducing late-night opening hours substantially reduces rates of violence.

Section 4: Evidence in relation to density of alcohol outlets

In November 2022, the World Health Organisation released a comprehensive report²² reinforcing the public health considerations in relation to the sale of alcohol.

The report notes that the density of and proximity to alcohol establishments have long been associated with pedestrian injuries, suicide, and long-term chronic harm, such as cancer and death. The evidence is particularly robust for suicide, alcohol-related deaths, sexually transmitted diseases, and child maltreatment. In particular, emerging evidence associates higher densities of alcohol outlets with pedestrian injuries and cancers.

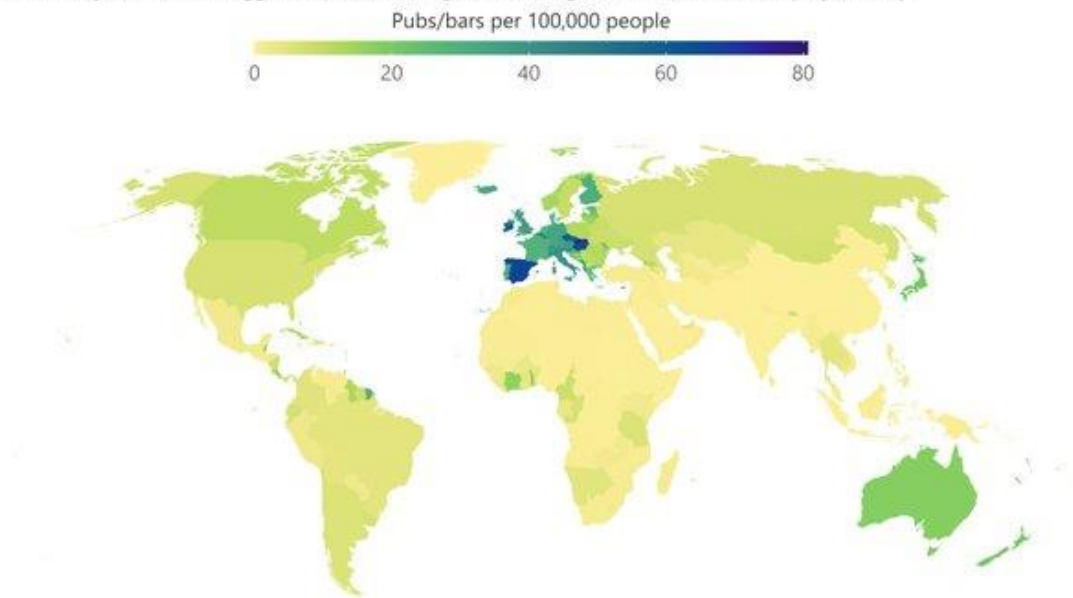
Areas with higher densities of on-premise establishments tend to be more associated with acute alcohol harm. Areas with higher off-premise outlet density tend to have higher consumption rates, particularly establishments such as grocery stores, where customers can “bundle” alcohol with other purchases.

A study²³ from New Zealand demonstrated that greater geographic access to alcohol outlets was associated with increased levels of serious violent offending.

Increased density of alcohol outlets²⁴ is associated with increased levels of alcohol harm and in particular studies have shown increased levels of domestic violence. For example, a report published in November 2022²⁵ found a very clear relationship between the level of alcohol use and child abuse in neighbourhoods. With a 1% higher per capita volume of alcohol consumed, there were 3.2% more children entering foster care due to alcohol-related concerns. The same study noted having one more off-premise alcohol outlet, on average, was related to a 13.5% increase in substantiated instances of child abuse and neglect and a 10.5% increase in total foster care entries.

Is it far to the nearest bar?

Per capita density of locations tagged as pubs/bars/nightclubs/biergarten in OpenStreetMap by country



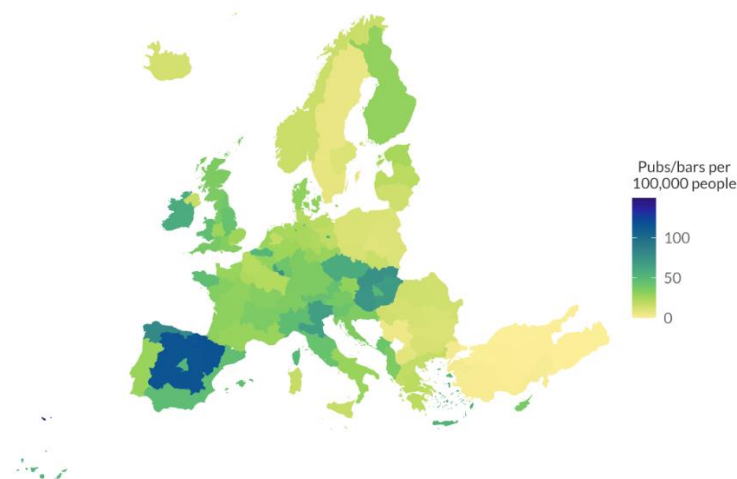
Data from OpenStreetMap | Map by @VictimOfMaths

In Ireland alcohol has become significantly more widely available and the map above indicates Ireland's per capita density of bars is one of the highest in the world, even higher than that of N. Ireland and the UK.

Using Open Street Map data, Dr Colin Angus of Sheffield University has estimated that Ireland has the 4th highest number of pubs/bars/clubs per capita of any country in the world (excluding countries with populations below 1 million).

Ireland has more pubs per capita than most of Europe

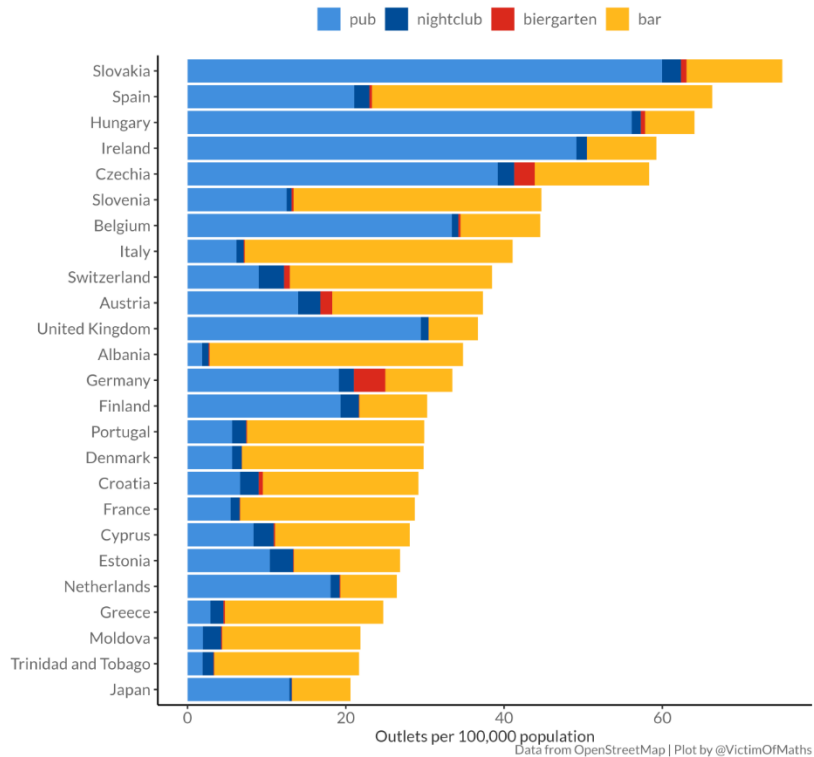
Outlets tagged as 'pub', 'bar', 'nightclub' or 'biergarten' in OpenStreetMap per 100,000 population in NUTS-1 regions



Data from OpenStreetMap, ONS and Eurostat
Map by @VictimOfMaths

There are *a lot* of places to buy alcohol in Europe

Top 25 countries in the world for density of pubs/bars/nightclubs per capita. Countries with a population below 1m are excluded.



In the 1970s, Special Exemption Orders became more widely available and the number issued increased four-fold. Loosening of restrictions on securing an off-trade licence in the 1990s and beyond has seen retail off-licences numbers increase from under 1,000 to over 5,000 in 2013.²⁶ A 2019 study by Dublin 12 and Canal Communities Local Drug and Alcohol Task Forces demonstrated that the number of licensed outlets in these communities increased from 49 to 125 outlets over the previous 20 years, and that most people are now living within 300 metres (approx. 2-3 minute walk) of an outlet licensed to sell alcohol.²⁷ The same report highlights the alcohol harms in the area and notes the normalization of alcohol provision.

The WHO report also highlights – among many other salient points, that limiting alcohol establishment density is an effective, evidence-based means of reducing the harm associated with alcohol consumption and has the potential to advance equity and public health agendas. The WHO provides a number of tools for measuring the density of alcohol outlets and highly recommends that communities are involved in decision making around licensing.

Section 5: Addressing alcohol availability as a public health context

Given the evidence cited above relating to the harmful effects of increased alcohol availability, there is a clear need to address alcohol use in Ireland. Public health and public safety should be core elements of the licensing of alcohol sales. This should be stated in the legislation as the primary purpose of the Bill. However, the Bill as it stands has no stated health objective, which seems an astonishing oversight, and is at variance with the primacy of health as an issue in the Public Health Alcohol Bill.

We propose that there should be a Health Impact Assessment (HIA) prior to any changes in the legislation regarding sale of alcohol. This is a structured process which can determine the potential positive and negative health impacts of the Draft Sale of Alcohol Bill and identify if certain groups within the population are more likely to be negatively affected by the new legislation than others.

We propose that the Sale of Alcohol Bill:

- **SHOULD NOT** increase the temporal or physical availability of alcohol, as this is likely to increase consumption and subsequent harms.
- **SHOULD NOT** further normalise alcohol use by creating new drinking occasions through diversification of licensing (cinemas, public transport, sports clubs etc.) and through the proposed new category of cultural amenity licence.
- **SHOULD ALIGN** with existing health policy and legislation in relation to alcohol.

Section 6: Public Health (Alcohol) Act 2018

Public health alcohol policy as set out in the Public Health (Alcohol) Act 2018 (PHAA) aims for a 20% reduction in alcohol use across the whole of population. The target was 9.1 litres per capita over the age of 15 years to be reached by 2020. This was not achieved – alcohol use is 18% above this level. The quite modest measures within the PHAA are based on the World Health Organisation's evidence-based 'best buys' around reducing alcohol harm – ie controls on price, promotion and availability.

Given that the proposals in the Sale of Alcohol Bill as published will increase the availability of alcohol, it is diametrically at odds with the objectives of existing government policy and indeed existing legislation regarding alcohol. This is compounded by the significant delay in implementing the measures within the PHAA, with no indication as to when key measures on restrictions on advertising content and the broadcast watershed for advertising will be introduced.

Section 7: Licensing hours and locations

The Sale of Alcohol Bill provides for a considerable extension of licensing hours and locations. In brief these are:

1. The general extension of licensing hours of all bars/restaurants from 11.30pm to 12.30am
2. Off-licence hours change to 10.30am to 10.00pm every day
3. The facilitating of late-night opening of bars to 2.30am
4. The extension of nightclub hours to 6am
5. The introduction of cultural amenity licenses to venues not usually having a license – eg museums, galleries, theatres etc.

In view of the evidence provided above, there is deep concern among public health advocates and the wider public in general about these proposals. As well as the inevitable additional harm which will arise from such extensions, there are also the concerns of those who do not drink at all (25% of the population), those who prefer not to drink on particular occasions and those who are in recovery from an alcohol problem.

The Bill very much facilitates an idea that all occasions should be drinking occasions and that this is an essential component of enhancing the night-time economy.

Paradoxically, a significant obstacle to our citizens, or visitors, enjoying a vibrant night-time economy is a fear of public drunkenness and related anti-social behaviour. The 2018 HSE/TCD study, 'The Untold Story', reaffirms that view, 27% of people surveyed confirmed being bothered by the drinking of strangers; 23% highlighting that they had been harassed on the street; and one in five feeling unsafe in public places.⁷ Such concern is confirmed by polling data which indicates that 47% do not support the proposal to allow nightclubs to remain open until 6am.²⁸

Concern has also been expressed by addiction specialists that the extension of opening hours to 6am could lead to an increase in the level of use of illegal drugs in particular, cocaine.

Section 8: Extinguishing of licenses

AAI has particular concerns about the revoking of the requirement to extinguish a license before opening a new premises (on-sales only). This will likely increase the number and density of alcohol outlets.

We recommend there is a cap on the total number of licences granted within on- and off-licence sectors respectively.

We are concerned that the extinguishment of a licence for a small rural pub can be replaced by a licence for a large off-licence for example. The current mechanism should be revised so that 'like for like' licences are granted. For example, any new on-licence granted should not result in additional alcohol sales, consumption or harms. Consideration should therefore be given to the setting (rural/urban) and population size in which the new license is being granted to ensure it is proportionate to the license being extinguished.

Section 9: Monitoring of density of alcohol outlets

A limit on the density of alcohol outlets in local areas should be established. This should be done in consultation with local communities using tools provided by the WHO. This could form part of a Health Impact Assessment of the Sale of Alcohol Bill. Monitoring of the density of outlets is also a key part of any data collection and basic details such as the Eircode of premises should be readily available. At present this has proved difficult for researchers to obtain.

Section 10: Monitoring of alcohol sales and impact

We propose that there is a need for a statutory system of monitoring alcohol sales and the impact of alcohol sales in specific areas and in individual premises.

While the Bill makes provision for the HSE/Gardai/community groups to make objections to license grant or renewal, if these groups do not have the key information, it will be difficult to comment in a meaningful way on particular licensing applications. License holders should be required to give details of their alcohol sales as a condition of license renewal. This needs to be built into the licensing grant and renewal system. Such information already exists within Revenue as part of licensee holders returns but is not made publicly available.

Data needs to be gathered in a systematic way around specific harms such as:

- Alcohol-related ambulance call outs
- Alcohol-related attendances and admissions to hospital
- Public order offences
- Alcohol-related assaults
- Alcohol-related domestic violence
- Alcohol-related sexual- and gender-based violence

Such data along with localised information on alcohol sales would give a clear picture of the impact of alcohol licensing on specific area and allow for informed decision-making regarding granting or refusing a license.

Much of this data is relatively easily collated but without a statutory obligation to do so and resources provided, it will not happen.

Regular surveys of the public's experience and views on night-life should be commissioned to provide insights into the outcomes of licensing.

Section 11: Cardiff Model

Alongside the need for statutory monitoring data as outlined above, consideration should also be given to a statutory anonymised system of data sharing known as the Cardiff Model¹.

Alcohol-related presentations are a significant burden on hospital Emergency Departments and ambulance services, especially in the early hours of Sunday mornings. A data collection system, based on centrally collecting and sharing data from hospital emergency departments and police to inform policy development and improve strategies to reduce alcohol-related harm – should be developed in Ireland. Such a system would provide baseline data around night-time alcohol-related harm and violence, and would be an invaluable tool to measure the effect of any changes to licensing laws.

Background

Research in Cardiff found that one half to two thirds of violence which results in hospital treatment is not known to the police. Subsequent research found that police knowledge of violence depends on people reporting these offences, but that many of the injured do not report because they are afraid of reprisals, don't want their own conduct scrutinised, or because they don't think the police could take effective action if they do report.

Three components

The Cardiff Model has three key components:

1. Continuous data collection in hospital emergency departments (EDs) on precise violence location, time, weapon and numbers of assailants
2. Information anonymised and shared regularly by hospitals with crime analysts who combine and summarise police and ED data to identify areas and times of violence concentrations

3. Combined information translated into violence prevention by a Violence Prevention Board.

Outcomes

- Reduced violence related hospital admissions by 35%
- Reduced serious violence recorded by the police by 42%
- Substantially reduced the costs of violence to health services relative to the costs of the Model
- Substantially reduced the costs of violence to the criminal justice system
- Reduced violence in premises licensed to serve alcohol.

Implementation in the UK

- Early adopters included public health and police partners on Merseyside, and in Cambridge and the Southeast health region of England.
- Welsh Government, through its Community Safety Directorate, instituted training workshops for key professionals: ED receptionists who record the necessary data electronically, data analysts, police managers, local government officials, ED doctors and community safety partnership personnel.
- In the mid-2000s the Violence Reduction Unit in Scotland introduced this approach.
- In 2008, the UK government adopted this approach in its alcohol strategy Safe Sensible Social.
- In 2010, the new UK administration made this approach part of its programme for government.
- In 2016, government commitment to this approach was reiterated in its Modern Crime Prevention strategy.
- The Cardiff Model dataset was codified (ISB 1594), published by NHS Digital and incorporated into the new Emergency Care Data Set which software suppliers are required to include in their products.
- Cardiff Model data collection in EDs became mandatory under the terms of the standard National Health Service contract.

Section 12 Role of Health Service Executive clarified

In addition to the concerns in relation to the intent of the PHAA as outlined in Section 6 of this document, there is also clarity needed in relation to the role of the Health Service Executive.

Section 4 of the PHAA was commenced in November 2021 and due to come into operation in November 2022. This requires that the applicant for an alcohol licence (grant or renewal) must give one month's notice in writing to the Health Service Executive. However, the Sale of Alcohol Bill makes no mention of this requirement.

Section 13 Gambling Regulation Bill

In November 2022 the government approved a Gambling Regulation Bill. This provides for restrictions on gambling advertising, a Social Impact Fund for research and treatment in this area and a Gambling Regulator Authority to enforce the advertising and sponsorship rules across all media and to examine the licensing laws.

There are many similarities between alcohol and gambling and indeed there is research which indicates a significant overlap in issues in both. For example, there is a marked correlation between problem gambling and substance use (drug use, alcohol use disorder and/or smoking), with 13% of those with an alcohol use disorder classified as an at-risk or problem gambler compared with 2% of low-risk drinkers.²⁹

With this in mind there is a need to ensure that measures in the Sale of Alcohol Bill align with measures in the Gambling Regulation Bill.

Section 14 Levy on industry

Alcohol harm currently costs the State at least €3.7 billion annually, while excise duties only raise €1.2 billion annually. There is a clear need for a “polluter pays principle” to be adopted in relation to alcohol harm. The Gambling Regulation Bill gives a good model for a Social Impact Fund and a similar approach should be adopted in relation to the licensing of alcohol sales.

Conclusion

Alcohol is a psychoactive substance that has huge negative human and financial implications across society.

In this landscape, alcohol licensing cannot be viewed simply as an administrative process that will allow businesses to garner more trade. Alcohol is ‘no ordinary commodity – ‘it is a carcinogen, neurotoxic, a teratogen and addictive, and its sale is therefore unlike the sale of any other product.

Clearly, public health objectives and alcohol harms are already seriously out of balance with one another. Measures proposed under the Sale of Alcohol Bill will only further tip that balance, causing the costs – both human and financial – to increase substantially over time and reduce progress being made since the passage of the Public Health Alcohol Act.

In order to comprehensively address alcohol harms in Ireland, there is a need to establish a statutory Office for Alcohol Harm Reduction, which will take the lead on co-ordinating all aspects of alcohol regulation in Ireland including licensing, marketing and promotion, strategic development of treatment services, education/prevention programming, commissioning of relevant data, plus monitoring and evaluation of policy in this area. In this regard, there is much to learn from the approach of the Gambling Regulation Bill.

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Mandate Trade Union

Submission to

**The Joint Committee on Justice on the General Scheme
of the Sale of Alcohol Bill 2022**

Introduction

First, we thank the Committee for the opportunity to make this submission.

Mandate Trade Union represents approximately 30,000 members in the retail and bar trades. Traditionally our union has a presence in the licensed trade representing workers in both the bar and catering areas of this sector. Therefore, we welcome this opportunity to present our position on behalf of our members in relation to the reform of Ireland's licensing laws as we believe we are an important representative voice in shaping this final legislation.

Although not obviously apparent to many, there exists serious workers' rights issues including health and safety considerations at stake in any potential reform of the licensing laws, and we hope that you can carefully consider the following important points.

In its 2020 annual report (covering pre Covid), there were 105 cases in the Beverage Service Activities sector inspected by the Workplace Relations Commission (WRC). Of those inspections, 27% were in breach of regulations with over €43,000 of unpaid wages recovered. In the Food Service Activities there were 1,536 inspections with 32% in breach of regulations and €327,000 of unpaid wages recovered.

We know from experience and member surveys that this is only the tip of the iceberg. In many instances workers do not receive their legal entitlement to breaks and are often expected to perform duties unpaid (cleaning up after closing, for instance), hence Mandate's focus throughout this submission is understandably targeted on compliance with workers' rights and the copper-fastening of those rights to the licence of the employer.

At the time of writing, it is estimated that up to 50,000 workers are employed in the licensed trade sector however since the onset of the Covid pandemic there has been a significant exodus of workers from the sector with high labour shortages now experienced. The introduction of new legislation governing the operation of the sector must allow for constrictive and positive realignment of the sector and the jobs within. If the opposite transpires, it would be counterproductive from the perspective of workers. Traditionally working in a bar carried with it good and secure terms and conditions of employment with an established apprenticeship structure. Bar work was in many ways a career of choice and therefore any proposed drafting and application of new legislation, must ensure that this element of the sector and the legitimate aspirations of the workforce within it are restored and sustained into the future.

Bar work by its very nature falls into the category of high-risk occupations particularly from a health and safety perspective with workers already exposed to long working hours, dealing with unnecessary levels of aggression, violence and intimidation from some customers under the influence of alcohol. A good example of progressive legislation was the introduction of the smoking ban which Mandate proudly fought for and won for its members. The proposed legislation under consideration must adopt

the same level of awareness and priority when it comes to the wellbeing of workers in the licensed trade sector.

Some of the recommendations outlined below mirror those contained in the recent report compiled by the Joint Committee on Tourism, Culture, Arts, Sport, and Media which focused on Working Conditions and Skills Shortages in Ireland's Tourism and Hospitality Sector. The publication of this report along with this consultation process is timely and we believe that many of its recommendations are progressive in nature and attempt to establish a balance between the competing needs of all stakeholders.

Report of the Joint Committee on Tourism, Culture, Arts, Sport, and Media:

https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_tourism_culture_arts_sport_and_media/reports/2022/2022-11-15_report-on-working-conditions-and-skills-shortages-in-ireland-s-tourism-and-hospitality-sector_en.pdf

As such, our specific recommendations are as follows:

1. Given the significant importance of the licensed trade sector to society and the economy we believe that a special forum should be established representing all stakeholders to ensure the needs of the sector are met both now and into the future. The forum could be established and run in a similar fashion to the Retail Forum which operates under the auspices of the Minister of Retail in the Department of Enterprise and Employment.
2. Ownership in the Licensed Trade sector has been much fragmented over the years resulting in a weakening of the centrally collectively bargained terms and conditions previously enjoyed by bar workers. We must ensure that any extension to opening hours does not exacerbate the situation further. Therefore, a solution must be found to the legal obstacles created which deny workers the right to have their terms and conditions established through sectoral collective bargaining mechanisms.
3. A specific provision should be established for the revocation of a license (temporary or permanent) if breaches to employment law occur. We also call for the publication of the name of the employer and their premises. Both above recommendations are currently exercised by the Food Safety Authority (FSAI) for breaches to food safety inspections.
4. Workers and/or their chosen representatives should be included in the groups objecting to the issuing, or a renewal of a licence based on proven disregard for entitlements contained in workers' rights legislation.
5. The WRC does not have the capacity to conduct sufficient inspections to ensure compliance with employment legislation. If it is not possible for the State to provide this, we are advocating the

Australian and New Zealand model where inspections are carried out by trained Trade Union staff for the purpose of Health and Safety regulation compliance.

6. Any new legislation should facilitate the active involvement of the Department of Further and Higher Education, Research, Innovation and Science in the delivery of apprenticeship, traineeship and third level and degree programmes in jobs directly linked to the licensed trade sector.
7. Introduction of a mandatory provision of premium pay for hours worked beyond 11:30pm.
8. Ensure all licence holders have sufficient staff trained in health & safety and technique/skills to de-escalate potential disputes.
9. Stronger penalties must exist for employers who breach the Organisation of Working Time Act (breaks) and do not pay staff for cleaning up time at the end of a shift. Also, workers must be allocated appropriate breaks during and between shifts.
10. Provision of transport for workers expected to work unsocial hours; and/or financial compensation for transport outside of social hours.
11. The introduction of legislation for threatening or abusing workers, including the sexual assault of workers in the licensed trade. This legislation will make it a statutory offence for assaulting, threatening, abusing, obstructing, or hindering workers.
12. Create a statutory aggravation to that offence where the worker is enforcing a statutory age restriction.
13. Ensure all employers provide access to counselling where and when required.
14. Bar workers amongst all occupations, have the lowest flat rate tax expenses relief, yet they are often forced to pay for their uniforms. All bar workers also must cover the cost of the maintenance of those uniforms. It is now more than 15 years since an increase has been applied to the already low annual relief rate of €93. We are calling for this figure to be increased significantly.
15. License holders should be required to provide five days paid release for elected trade union and health and safety representatives.
16. It is well recognised that alcohol consumption creates many societal and health care issues for individuals and the public. We are requesting the ringfencing of a portion of excise duties for sports and culture, in addition to tackling addiction & mental health issues.
17. We support calls for the reform of the “Extinguishment Requirement” with the provision that all new licenses are permitted based on respect for the international human right for workers to be represented by a trade union of their choice for individual and collective issues.

We hope that you will give this submission your careful consideration

General Scheme of Sale of Alcohol Bill 2022

December 2022

Submission
to the
Joint
Committee
on Justice

GENERAL SCHEME OF SALE OF ALCOHOL BILL 2022

1. The Music & Entertainment Association of Ireland thank the Joint Committee on Justice for the invitation to make this submission on the General Scheme of the Sale of Alcohol Bill 2022.
2. Many workers in the Music & Entertainment sector rely on licensed premises for employment opportunities, whether in bars, restaurants, hotels, theatres or other venues. Music & entertainment, socialising and alcohol are all intertwined in the main.
3. The local pub is often the first introduction to performing in public for many artists whether it be an unplugged night or a trad session. Indeed pubs have been central to the survival of traditional music and sessions it could be argued as they have been regular homes to weekly sessions for many decades. A traditional music session in a local bar has also been central to the 'craic ages ceol' image portrayed internationally by promoters of our country for tourism purposes.
4. From small local bars to hotel function rooms and conference suites, and from local theatres to national arenas and stadiums, the music & entertainment industry is intrinsically linked to and affected by the licensing system in Ireland. MEAI welcomes any effort to modernise our antiquated licensing laws and this Bill on the whole does that.
5. MEAI has consulted stakeholders in the licensing trade and members of our own sector to discuss this Bill. After much discussion, we have identified two main areas of concern which need further clarification and consideration.

6. "Chapter 2 - Cultural Venues"

MEAI request further clarification on the terms “cultural amenity” and also “function”.

7. Licensed premises are often hubs of the community and also provide employment to workers in the music & entertainment sector. Gigs can be unpredictable especially on ‘off-peak’ nights from Sunday to Thursday and so businesses typically offset poorly attended nights against packed gigs. It must be said that since the industry reopened after Covid-19 the unpredictability of gigs has increased and there is no guarantee anymore that a Friday or Saturday night could be regarded as a ‘peak’ night.
8. Licensed premises that have music & entertainment as part of their business often take the good with the bad. MEAI are concerned that the lack of a concise definition, especially one which is subject to change as often as a Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media can be, could provide increased competition against licensed premises and potentially decrease employment opportunities and diminish the available working days and nights for gigs.
9. Similarly, the definition of ‘function’ is particularly open-ended and subject to interpretation and could also prove to be damaging to employment opportunities for workers in the music & entertainment sector.
10. MEAI also echo the concerns of other relevant stakeholders over the deregulation of licensing and the removal of the need for an existing license to be acquired before a new licensed premises is open/established. This deregulation of the number of licenses could lead to increased competition from multi-national and international businesses and could be a threat to local and family businesses in every community.

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11. As a result of Covid-19, many business models have changed and often for the better. Customer habits have changed also for many industries including music & entertainment and also the pub trade. Pubs often close earlier mid-week or close completely mid-week. This has a knock-on effect on the music & entertainment sector. Restaurants are also closing earlier or closing completely from Monday to Wednesday. The cost of living crisis has also greatly impacted socialising habits. This negatively affects the music & entertainment sector.
 12. Conversely, many business owners took advantage of what the pandemic taught them about the importance of family and personal life and so many have welcomed the change to their work life.
 13. Similarly, many musicians realised that they had an over-dependence on pubs and hotels for gigs pre-pandemic. Many musicians now gig in other venues such as nursing homes, community centres, and other social environments where alcohol is not a feature and still gig in pubs and hotels albeit not for as many nights in the week.
 14. Recent schemes by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media supported the protection of existing and the creation of new employment opportunities for the music & entertainment sector in the context of the Night-Time Economy. The Night Time Economy Support Scheme (NTESS) was launched in June 2022 and supported cultural activities and gigs in the night-time economy until the end of October with a fund of €4 million. The Local Live Performance Support Scheme (LLPSS) successfully supported the creation of cultural activities and gigs across local authority areas throughout 2021 and 2022 across the wider community and wasn't just focused on the night-Time Economy.

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15. Both these schemes were invaluable to workers in the music & entertainment sector in creating and protecting employment, especially at a time when pre-pandemic employment opportunities in licensed premises were becoming less plentiful. Both schemes would be valuable ways to support the Music & Entertainment and Night-Time Economy sectors into the future. However, both these schemes have ceased and no further funding has been allocated to continue them into the future. Although these schemes are not directly related to the Bill being discussed they are relevant to the issues raised above.
 16. Earlier this year the minister for Rural and Community Development launched a new initiative called “Pubs as Community Hubs.” This initiative is a commitment under the Government’s Rural Development Policy 2021-2025 “Our Rural Future.” Minister Heather Humphreys commented at the time, “The local pub is part of the fabric of Rural Ireland. Traditionally down through the years, it’s where people in rural communities have come to meet with their friends and neighbours to socialise. As part of ‘Our Rural Future’, I committed to developing a pilot scheme to support the use of rural pubs as community spaces and hubs for local services.”
 17. Unless clear definitions, terms and conditions are given to the terms in the Bill we highlighted above, the General Scheme of the Sale of Alcohol Bill 2022 will undermine and negate the Government’s own Rural Development Policy commitment, “Pubs as Community Hubs”. The risk of decreasing employment opportunities for the Music & Entertainment sector is also increased with the outstanding issues we have raised above. Without the continuation of support schemes such as the NTESS & LLPSS then the risks are increased further, especially with the changes that will happen as a result of this bill.
 18. It is important that our archaic licensing laws are modernised, made more efficient, and designed to reflect and adapt to modern life. It is also vital that we protect those elements which are crucial to our way of life, our employment, and also our identity as communities and a nation. We believe that properly addressing the issues we have raised will help better protect those elements.



VFI Submission to Joint Committee on Justice
On the General Scheme of the Sale of Alcohol Bill

December 2022

About the VFI

The Vintners' Federation of Ireland (VFI) is the representative body for publicans in the twenty-five counties outside of Dublin. Our membership is primarily small family-owned and family-run businesses. We have 3,500 members operating in both urban and rural parts of the country.

Introduction

The VFI welcomes the publication of the General Scheme of the Sale of Alcohol Bill. The majority of 'Heads' contained within the Bill either consolidate, improve or streamline existing legislation created over the past century.

It is important to note the sale of alcohol will remain a restricted practise, a decision by the Department of Justice which we welcome. The 'seven-day' licence is recognised by the Minister as the 'cornerstone' of the licensing trade and the commitment to retaining its relevance is an important point.

The Sale of Alcohol Bill states that all licence applications will be processed through the District Court, a recommendation contained within the VFI's original submission 12 months ago.

As a key stakeholder in the process – the VFI represents publicans who hold a 'seven-day' licence - the Federation understands any consolidation of existing licensing laws will have a disproportionate impact on its members.

This intention of this submission is to highlight sections that, should they proceed unchanged through the legislative process, will have the biggest adverse impact on the pub trade. Alongside our concerns we have also included recommendations that we think will improve the overall content of the Bill.

While this submission is intended to be the VFI's 'fixed position' on a number of key sections, we will continue to work with officials in the Department of Justice to clarify other issues contained within the Sale of Alcohol Bill.

VFI Observations on Sections

Section 21 - Determination of application for court certificate for new retail licence

Sub Section 3 *Where an application is made for a public house licence, a publican's hotel licence or an off-licence within three years of commencement of the Act, the Court shall not grant the certificate unless the applicant extinguishes an existing public house licence or off-licence.*

The VFI is gravely concerned about this section. If enacted as presented, three years after commencement new entrants to the pub market will no longer need to extinguish an existing licence to commence trading. As a consequence, the VFI argues that the number of pubs in rural Ireland will decrease, the exact opposite of what the Minister for Justice says is intended to happen.

Extinguishment explained

Current legislation necessitates that in order to obtain a licence for a new pub or off-licence, it is necessary to *extinguish* a licence which is in force in the State. When mention is made of “buying” or “selling” a licence it means the person who holds the licence agrees to extinguish the licence in return for payment and to enable a new licence to be granted. Licences as such are not commodities that can be bought or sold because it is personal to the holder and specific to the premises.

If Section 21 (Sub Section 3) is enacted as written, within three years of commencement the need to extinguish a licence to open a new pub will no longer apply. This will, in effect, create a deregulated on-trade where the number of licences in operation will potentially be unlimited.

Currently, licences are worth €60k and for many rural publicans this is a valuable source of funds for their retirement. It is also a valuable security asset where a bank loan is required and there are numerous current licences that are being used as collateral on loans. The question must be asked how will banks react to deregulation as the proposed legislation will wipe out the value of this asset.

Pub closures

Research undertaken by Anthony Foley, *The Irish Pub: Stopping the Decline, DCU Business School (August 2022)* demonstrated ***that since 2005, 1,829 pubs (one in five) have closed.***

The majority of these closures have occurred in rural areas.

16-Year Total Decline	
2005	8,617 pubs in Ireland
2021	6,788 pubs in Ireland

Source: *The Irish Pub: Stopping the Decline*, Anthony Foley, DCU Business School (August 2022)

On-trade licence numbers

An analysis of the number of on-trade licences (pubs & hotels) reveals there is one pub for every 496 adults in the country. *(Source: Revenue data on pub numbers and 2016 census)*

Excluding the major population centres of Dublin city and Cork city there is one pub for every 396 adults.

Further, the Health Research Board presented a report in April 2021 stating that “one in four people report not drinking at all in the past year”. *If 25% of the adult population abstains from consuming alcohol this would equate to one pub for every 296 adults in Ireland who consume alcohol.*

While tourism will have an impact on these numbers, that impact is limited. **There is one very clear lesson from these numbers – there is no shortage of licensed premises to cover the needs of the population.**

(Figures are based on 7,230 seven-day licences – including 550 hotel public bar licences - operating in Sept 2022 and Census 2016 population statistics).

Pub turnover

There are six licence bands used by Revenue to determine annual fees for the renewal of pub licences. The lowest band (licence band A: for pubs turning over less than €190,500 in alcohol sales) contains 50% of all pubs, most of whom are located in rural areas.

In 2019, VFI engaged consultancy firm BDO to conduct research on the current state of the pub trade. The research comprised of extensive consultation with the VFI’s 3,500 membership base, taking the form of a member survey and series of regionally focussed member workshops.

The member survey found that 51% or approximately 2,000 pubs had an annual turnover of less than €190.5k (in line with Revenue data).

There is a second very clear lesson – the pub trade is primarily made up of a collection of very small family owned businesses.

Impact of proposed Deregulation

According to the Department of Justice, proposals for the deregulation of the licensed trade are being introduced in response to the decrease in rural pub numbers. The Department states that removing a substantial ‘barrier to entry’ – the current requirement to extinguish an existing licence – will stimulate the growth of new pubs in rural areas where pub numbers are in decline for over 20 years.

This is a flawed premise for a number of reasons.

While making licences easier to obtain would theoretically benefit the consumer by increasing the number of pubs, one could reasonably argue that existing pubs will suffer as a result of an increase in supply in what is already, *as demonstrated by the large number of pub closures, an oversaturated market.*

The Irish pub trade is run by publicans who in many cases are operating pubs that have been in their families for generations.

If deregulation is introduced the following reasonable scenario could play out in rural areas:

A village that 20 or 30 years ago had five or six pubs, currently has one solitary pub. That pub is in licence band A (turnover less than €190,500 per annum), most business takes place on a Friday and Saturday night plus Sunday afternoon. The pub is closed all day Monday – Wednesday and opens at 5pm every other day. The publican and his/her pub is a fundamental part of the local community.

Once deregulation is implemented, a new pub opens in the village. There is little demand for a second pub – as evidenced by the opening hours of the existing pub and the turnover. The publican who has worked in the village for decades recognises this and exits the trade.

An argument could be made that as a new entrant has taken the place of a legacy business the status quo is maintained – the village had one pub before deregulation and now has one pub after unlimited licences was introduced. But the essential point is the village has lost a vital community hub, while the new entrant has neither the expertise or cultural knowledge and tradition to take the place of the “old” publican, with the likelihood that the village will end up with no pub – the exact opposite of the intention of this specific initiative.

The type of scenario will play out across the country if licences become an unlimited commodity. The generational expertise embedded in today’s trade will be lost and with it one of the great cultural institutions of Irish life.

Impact on local communities

In many parts of rural Ireland the pub is the last community hub remaining in villages, long after banks and post offices have retreated.

The typical pub is a community centre as much as a pub and, as already stated, the publican plays a vital role in that local community.

(The cultural value of our pubs is so important that the VFI is in the process of applying for pubs to join the UNESCO lists of Intangible Cultural Heritage, which protects the world's living heritage.)

Deregulation will precipitate the closure of many of these pubs as the owners decide to exit the business in the face of unsustainable competition. While the adage "the market will find its level" is strictly true, it fails to take into account the cultural and community value of the existing publicans.

Increasing the number of licensed premises is also odds with national and international health policy measures which focus on reducing access to alcohol.

Recommendation – The VFI requests that Extinguishment for the on-trade is retained in law as per current legislation. The rationale for this request is as follows:

- The principle of Extinguishment is accepted as a legitimate practise in the Sale of Alcohol Bill where it will remain for new off licences. The VFI requests the same principle is applied to the on-trade.
- Unlimited access to licences will put existing pubs out of business and new entrants to the market will be less likely to succeed through lack of knowledge of the trade and the requirements to trade successfully. The generational expertise in the current trade will be lost and standards will deteriorate.
- This measure will lead to the demise of the traditional Irish pub so beloved of tourists and domestic customers alike.
- The vast majority of pub closures occur in rural areas of the country. In 2005 there were 8,617 seven-day licences compared to 6,788 in December 2021 (as per Revenue statistics). This represents a 21% decline in pub numbers over the past 17 years. This measure will exacerbate the trend.
- These pubs remain closed because demand for the pub offering has declined during that period; *not* because licenses are restricted through extinguishment.
- Abolishing Extinguishment will create uncertainty in the existing rural pub economy; lead to closures and decimate the trade.
- The existing trade needs to be supported as it provides a vital service to local communities and, in many areas, the local tourism infrastructure.

Supports for the pub trade

Should government persist with this ill-judged and counterproductive provision (and we firmly believe it should reverse course for the reasons outlined above) it is imperative that adequate supports are put in place for vulnerable publicans wishing to stay in the trade, along with those planning succession and publicans wishing to exit the trade.

The most pressing issue is timing. A three-year 'sunset' timeframe is wholly inadequate. Such a short time period to deregulation would lead to panic, resulting in a glut of licences brought to market further decreasing licence value and leading to additional stress and pressure for publicans.

As a result, any transition period needs to be a minimum of eight years.

Section 71 - Cultural amenity licence

This section allows cultural venues apply for a permit to sell alcohol and, as such, is a cause of concern for holders of seven-day licenses for a number of reasons, as follows:

- What is the exact definition of a cultural amenity?
- What criteria will the Minister use in granting such a status to venues?
- An Garda Siochana is not a notice party
- Fire Authority inspection is not required

Many cultural venues receive state funding, so if granted a licence to sell alcohol they will be at a commercial advantage over traditional pubs.

The VFI understands the Department of Justice is to begin discussions with various stakeholders (including the Department of Culture) to agree how exactly a cultural venue is defined. There is concern among our membership that community centres, for instance, could apply for a cultural permit and thus be allowed sell alcohol.

Recommendations

- The process and requirements for applying for a Cultural Amenity Licence should be exactly similar to the process for seven-day licences.
- Therefore, a Cultural Amenity Licence application must require that the Fire Officer and An Garda Siochana be Notice Parties. The Local Authority and HSE should also be notice parties.
- The sale of alcohol in a premises with a cultural amenity licence must be in the control of the organisation holding the licence. It cannot be franchised out.
- The definition of 'function' must be extended to include that no parties or events for members of the public can be held (for example, 50th Birthday Parties).
- The number of occasional permits should be limited to 12 per year per location. Venues should only be permitted to open one hour before and one hour after the event.

- There is no stated penalty for breaching Cultural License conditions. If conditions are breached, penalties must be similar to those for seven-day licenses.
- Venues should be subject to commercial rates.
- A clear definition is also required about who can extend invitations to events in cultural locations and the number of guests who are permitted to attend.
- Any venue that is selling alcohol must not be in receipt of ongoing state funding.

Prohibited Conduct

On page 268 of the Bill, under the heading *Prohibited Conduct*, it states that the provisions of Section 19 of the Intoxicating Liquor Act 2003 will be examined in the context of a review of the Equal Status Acts 2000 – 2015.

The 2003 Act must not be repealed until that review has taken place and the current provisions of Section 19 must be retained in any such review.

Section 39 – Objection to renewal of retail licence

Section 2 (b) (iii) – this section of the Bill states an objection to the renewal of a retail licence can be made if “the premises were not operated in a manner which protects staff, patrons and performers from harassment, including sexual harassment”.

The VFI welcomes any legislation that protects people from any form of harassment. However, as currently proposed, this provision is open to significant abuse and could cause unwarranted stress and concern for license holders.

Recommendations:

- In the case of harassment claims, the allegation must be proven in a court case before the conviction can be used in an application to deny the renewal of a licence
- Insert after Section (2)(b) on Page 102 “In any objection under heading (2)(b)(iii) (111) it will be a defence for the licensee to demonstrate that she / he had a documented harassment policy in place, that all stakeholders were aware of it and it was adhered to.”

Section 42 - Application for court permit for nightclub

Section 42 (1) (b) stipulates that “a person who is the licensee under a publican’s hotel licence, public house licence or **wine on-licence**, of licensed premises may apply for a court permit for a night club”.

Section 44 (3) states that “nothing in this Act shall operate to prohibit a person from being on, or consuming, or permitting the consumption of, **alcohol** in a night club....”

In Section (2)(1) on Page 20 **alcohol** is defined as “any alcohol product which is
(a) chargeable to alcohol products tax under Section 75 of the Finance Act 2003, and
(b) is not relieved from such tax under Section 77 of The Finance Act 2003.

A ‘wine on’ licence only allows for the consumption of wine. There is an obvious and concerning contradiction and anomaly here that needs to be addressed. If this is not addressed the assumption is that a night club, based on a wine on licence, could sell all alcohol when the base license allows the sale of wine only.

Sections 42, 43, 53, 54 and 64 deal with court applications for nightclubs, limited nightclubs and late bars and prescribe latest opening hours. To ensure fair competition, these hours should be available in every county and not be constrained by limitations imposed in local areas by District Court judges as happens currently with Special Exemption Orders.

Section 44 - Conditions in relation to court permit for nightclub

Sections 44 (5) and 55 (5) under conditions in relation to court permit for nightclubs and limited nightclubs, prescribe that these venues must provide “live entertainment”. This definition must extend to include music from DJs.

Section 188 - Security at licensed premises

This section refers to security at licensed premises and sets out the power for Courts to insist on installation of CCTV as a condition of granting of any certificate or permit.

This has the potential to create great difficulties, especially for smaller operations where the cost could be prohibitive.

Recommendation

Outside of the premises where this is mandatory (nightclubs etc.) this should only be applicable where clearly defined issues have taken place in a specific licensed premises.

Various sections - Restaurant licences

Post enactment of this Bill, policing the various licences and permits will become a major issue. The VFI is anxious to avoid a scenario where there is a “free for all” in late night venues, whereby the various licences and permits give rise to confusion about closing times and what types of alcohol can and cannot be sold in the different venues.

On Page 33 under definitions, a restaurant licence means a licence issued in respect of premises specified in the licence which “do not contain a bar counter”.

There is no provision in the Bill to stop a premises that had a wine on-licence prior to enactment of this bill applying for a restaurant licence while retaining the wine on-licence. You then could have the anomaly of allowing a bar counter under one licence and outlawing it under a different licence.

Recommendations

- There must be a provision that only one licence can apply to a premises.
- When turnover from alcohol exceeds turnover from food in given year the restaurant owner should be required to acquire a seven-day licence.
- Restaurant licence should stipulate a closing time of 11.30pm.

For queries:

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Licensed Vintners Association



2 December 2022

1. Introduction

The Licensed Vintners Association (LVA) is the representative body for the publicans of Dublin. We have over 550 members equivalent to three-quarters of the pubs in our capital city. Collectively our members employ over 12,000 people and account for approximately 30% of the national on-trade sales. See www.lva.ie for more information.

2. Background

The licensed trade is a tightly regulated sector. However, the current licensing regime is extremely complex and cumbersome, with over 100 laws involved, stretching back almost 200 years. Accordingly, there is a pressing need for modernisation and codification of licensing law. The LVA welcomes the publication of the General Scheme of Sale of Alcohol Bill 2022 in this regard, and supports much of its aims, while having some significant concerns on a limited number of the proposed reforms.

We want to thank the Joint Committee on Justice for the opportunity to outline our position on the Bill and look forward to the opportunity to appear at the Committee in due course.

3. Overview of LVA Position

We welcome the Bill and the long-overdue codification of licensing law. In particular, we warmly welcome

- modernisation and codification of licensing law
- the proposed changes to trading hours
- the introduction of annual late bar and annual nightclub permits
- abolition of Special Exemption Order (SEO) system and associated extraordinary costs
- the “levelling up” of licence grant and licence renewal criteria across licence types

We **oppose** the proposed change to the extinguishment requirement on the basis that it will fail to deliver on the Minister’s objective of enhancing the viability of the rural pub trade.

The LVA supports the greater diversity in the night-time economy envisioned by the proposed cultural amenity licence, but we have grave concerns about the potential operation of such licences.

There are a range of issues where greater clarification and additional conditions are required and we will outline these later in this submission.

4. Trading Hours / Late Trading Permits

The LVA welcomes the trading hours proposed in the Bill for traditional pubs, late bars and nightclubs and believe they are appropriate for a modern economy.

Traditional Pubs	10.30am	-	12.30am	7 days/week
Late Bars	10.30am	-	2.30am	7 days/week
Nightclubs	10.30am	-	5.00am	7 days/week

In particular we are pleased with the proposed introduction of an annual late bar permit and annual nightclub permit as a suitable basis for licensing the late trade.

We are delighted that the SEO system is to be abolished under this Bill as it was ridiculously expensive, both in terms of Government costs (court fees / excise) and legal costs. In addition the short-term nature of the SEO application process, typically every four weeks, undermined business planning and provided no certainty to late night business. There was a large level of bureaucracy involved, it is extremely inefficient and wasteful of both the Court's time and Gardaí time. An annual permit system for both late bars and nightclubs is a far better option.

5. Eligibility for Late Trading Permits

We agree that a publican's hotel licence or a public house licence should be eligible to apply for late bar or nightclub permits.

However, we **strongly object to wine on-licences** being allowed to apply for late trading licences on the grounds that

- i. Wine on-licence premises are not allowed to have a bar
- ii. They are obliged to only sell alcohol with food
- iii. They are not permitted to sell spirits or beer (noting restaurant certs are abolished under the Bill)
- iv. They are only permitted to sell wine
- v. There are fundamental operational and management differences between running a food-led business with a wine on-licence and running a drinks/entertainment-led late bar or nightclub

Accordingly, it makes no sense whatsoever that wine on-licences be allowed to apply for late licences. Wine on-licences must be removed as an eligible licence for late trading businesses.

6. Transition Arrangements for Late Bars

We note that local authorities will become a Notice Party for Late Bar Permit applications. Current late bar operators have secured SEOs based on

- Pub licence
- Dance licence
- Court appearance
- Payment of SEO fees
- Notice parties – Gardaí, Fire Officer and local residents – satisfied

To ensure a smooth transition to the proposed annual Late Bar permit (which we fully support), we are calling for existing late bars, with a proven track record of obtaining SEOs, to be automatically issued with a Late Bar permit until the next annual renewal date.

The local authorities would obviously be a notice party for all new late bar permit applications and also for all late bar permit renewals from the next renewal date onwards.

This would simply be a temporary measure to allow a smooth transition without damaging the current late bar sector.

7. Proposed Change to the Extinguishment Requirement

The Bill proposes that the extinguishment requirement for new pub licences will be phased out three years after enactment of the Bill.

In essence, the extinguishment provision means anyone seeking to open a new pub or off-licence must first purchase a licence from an existing licence holder in order to open the new outlet.

This means a fully liberalised pub licensing regime by late 2026, assuring enactment of the Bill in late 2023.

The Bill also proposes that the extinguishment requirement is maintained for new off-licences.

The LVA opposes the proposed change in the extinguishment requirement for new pub licences on the following grounds:

- the current licensing regime does not exist to protect publicans from competition but is there on public health / public order grounds and to provide for regulatory control
- it has resulted in a well-run, well managed pub culture across the licensed trade
- the country is severely over-pubbed, with 6,800 pub licences, as well as
 - 2,250 wine on-licences (restaurants)
 - 514 special restaurant licences
 - over 1,000 hotel licences
 - 3,450 off – licences
- Some 1,800 pubs have closed in Ireland since 2005, confirming a total over-supply of pubs and serious viability challenges
- On-trade alcohol demand is in long-term structural decline due to changing lifestyles, changing alcohol consumption patterns, and regulatory changes
- This combination of too many pubs, particularly in rural Ireland, together with falling demand, means that overall pub numbers will continue to fall, irrespective of any changes in the extinguishment requirement
- New licences / new pubs are not going to open in rural Ireland, due to too many pubs there already and low prospects for viability
- There are obvious public health and public order concerns associated with a fully liberalised licensed trade

- Any new licences sought will be in areas of higher demand – cities, provincial towns, tourist locations
- Who wants more pubs in these areas?

Some other commercial impacts of changing the on-trade licensing regime would include:

- tight and narrowing time-frame in which to sell rural pubs (as operators potentially wait for the fully liberalised licence regime)
- negative impact on the value of the licence and the value of pubs
- loss in value of both licence and pub anyway as the market gets over-supplied with both licences and pubs as those retiring / exiting rush to sell
- cumulative effect of the proposed changes to extinguishment / restaurant licences / cultural amenity licences will be to increase overall licence density and number of on-trade outlets further in urban and tourist locations in particular

In summary, removing the extinguishment requirement will **not** achieve the Minister's objective of enhancing rural pub viability and will prove to be a failed policy initiative.

The key challenge for rural pub viability is rooted in the need for wider regeneration of the night time economy and nightlife in rural areas. Amending the extinguishment requirement will only further damage rural pub viability for no gain.

8. Restaurant Licensing

The LVA supports that the new restaurant licence will permit restaurants to sell the full range of alcohol products. This is appropriate in this day and age.

We also welcome the fact that the Bill is expressly clear that

- alcohol can only be sold in conjunction with a substantial meal
- the restaurant must **not** contain a bar counter

We feel that two additional provisions are warranted to ensure compliance with the intention of restaurant licensing as follows:

- A "table service only" provision should be included (as applied to the entire hospitality sector throughout Covid restrictions)
- Restaurateur / Operator to give an undertaking to the Court that the premises does not contain a bar, at licence grant and licence renewal

Current restaurant licences (wine on-licence and SRL) require that the premises does not contain a bar, but it is generally not enforced. Clarity that new restaurant licences cannot contain a bar counter is very welcome, but measures must be taken to ensure compliance. The operator's undertaking to the Court, and Garda enforcement that restaurants should not contain bars, are required.

9. Cultural Amenity Licences

The LVA supports greater diversity in the night-time economy and recognises the role of appropriately defined cultural amenity licences in this regard.

However, we do have concerns around the potential operation of cultural amenity licences and the possibility they may be used as a back-door entry into the licensed trade. Our concerns are based on

- previous negative experiences and abuse of theatre licences
- the potential for an increase in the total number of licensed outlets in urban areas as cultural licences are mainly going to be in urban locations

Accordingly, we believe it is extremely important that

- criteria for designation of a cultural premises must be strict / limited
- criteria for definition of a cultural event must be strict / limited
- the premises must have planning permission to operate as the cultural premises in question
- the use of cultural amenity licences by external, third party commercial promoters should not be permitted
- the cultural premises should be in operation and trading as a cultural premises for 12 months before any application for a cultural amenity licence, especially as the sale of alcohol is to be ancillary to the cultural event
- the number of occasional late licences for which a cultural premises can apply should be limited to 12 per annum, again because alcohol sales must be ancillary to the cultural event

10. Issues / Clarifications Arising from the Bill

- i. Costs - licence grant and licence renewal costs must be equitable across all the main categories of licence (pub / hotel / restaurant / cultural / off-licence). The current excessive licence renewal costs on larger pubs must be eliminated. Late Bar and nightclub annual permits must recognise the commercial reality that late trading is mainly a 2 nights per week opportunity.
- ii. Notice Parties - current wording in the Bill is that they “may object and may appear and give evidence.” This should be amended to “may object and **MUST** appear and given evidence.”

- iii. Notice Parties - currently the Bill states “any person who has a substantial and bona fide interest in the matter and is resident in the neighbourhood.” This must be amended to specifically include licensees trading in the locality (as the current proposed wording appears to exclude licensees trading in the locality but living outside the locality).
- iv. Adequacy - current wording is “adequacy of the existing number of licensed premises of the same character in such neighbourhood.”

This should be amended to include all on-premise and off-licences in the neighbourhood as it is the cumulative number of licences that is the key point here.
- v. Consumption Of Alcohol In Public Places - We believe the new Bill should make it illegal to consume alcohol in any public place, thereby making the law clearer and easier to enforce and limiting the public order issues associated with uncontrolled alcohol consumption in public places

11. Conclusion

It is clear a huge amount of work has gone into the development of the General Scheme of Sale of Alcohol Bill 2022. The LVA welcomes the publication of the Bill and supports its objectives of modernising and codifying licensing law.

In particular, the proposed trading hours and annual late bar and nightclub permits are particularly welcome.

The “levelling up” of licence grant and licence renewal procedures and conditions is a positive development.

We oppose the phasing out of the extinguishment requirement for new on-trade licences on the basis it will fail to achieve the Minister’s objective.

In overview, though, with the exception of the proposed full liberalisation of the pub trade three years after enactment – a serious policy mistake – there is much to welcome in the proposed Bill.

Written submission to the Joint Committee on Justice: General Scheme of the Sale of Alcohol Bill 2022

Submitted by An Garda Síochána

1. Opening Statement

1.1. The Minister for Justice has introduced the Sale of Alcohol Bill 2022, which seeks to bring this jurisdiction into alignment with other jurisdictions in Europe and beyond. The Bill is intended to provide more choice across the night time economy and more opportunities for those in our culture and hospitality sectors. It also aims to encourage new activity in the industry in the form of new pubs, night clubs, exhibition spaces and other cultural venues.

1.2. Once enacted, An Garda Síochána will be called upon to enforce the legislation. The primary focus for An Garda Síochána is on the practicality of the proposed legislation. A number of operational, procedural, legislative and human resource matters have been identified in the Bill as having an impact upon An Garda Síochána and same will be addressed in the course of this submission.

2. Part 5 Chapter 1 Section 89 – Prohibited hours generally:

2.1. It is proposed that opening hours for licenced premises will be changed to allow the sale of alcohol between the hours of 10.30am and 12.30am the following day. These hours will apply seven days a week, with certain exceptions. A separate part of the Bill relates to nightclubs. **Chapter 8, Section 44**, allows a court to permit a night-club to remain open until 6am, with patrons to be served until 5am. These two changes will have most impact on An Garda Síochána, with the potential for increased levels of anti-social behaviour, including offences against public order, assaults and sexual assaults. Considerable additional demand on An Garda Síochána is likely to result.

2.2. It is submitted that it cannot be assumed that the longer opening hours will see a staggered exit by patrons from nightclubs under the new legislative regime and that, in fact, the opposite could frequently occur whereby significant numbers of patrons leave in the period around the 6am closing time. Again, this will have a considerable impact on levels of anti-social behaviour, including basic noise levels, which are likely to occur over a longer and later period of the night.

3. Resourcing considerations:

3.1. The latter part of the night – 5am to 7am - tends to see fewer calls for service in terms of public order policing. These periods could traditionally be utilised by Garda resources for other policing priorities, such as proactive burglary patrols. Increased social activity in this period would require proactive patrolling of hot spot areas to police the exit of patrons from nightclubs. This will inevitably require a re-distribution of Garda resources and will likely see an increase in demand for service generally arising from the increased social activity.

4. Roads Policing concerns:

4.1. The proposed changes to opening hours will also have implications from a roads policing perspective. Firstly, the increase in opening hours for nightclubs will see increased risk in terms of pedestrians, many of whom will have consumed alcohol, on the streets around these venues. There are obvious risks here in terms of the potential for road traffic collisions between motor vehicles and pedestrians.

4.2. Secondly, public transport services will be required to operate for longer periods in order to ensure the orderly and timely dispersal of patrons from nightclubs, covering the period past the new closing time of 6am. This will likely lead to increased vehicular traffic around these venues through the night. Again, there are obvious risks attendant on this increase in night-time activity.

4.3. Both of the above points will increase demand for roads policing type activity in order to mitigate the additional risks which will present in terms of both pedestrians and road users.

5. Public Order concerns:

5.1. There may be additional incidents of crime and disorder linked to later opening hours.

6. Part 5 Chapter 1 Section 94:

6.1. This section deals with fixed charge offences for the purpose of Section 93 (Offences in relation to prohibited hours) and Section 96 (false pretence of being resident). This section states, *‘a member of An Garda Síochána who has reasonable grounds for believing that a person is committing, or has committed, an offence under Section 93(1), (3) or 96 (1) (in this section referred to as a “fixed charge offence”) may serve on the person personally or by post the notice referred to in subsection (5) or cause it to be so served.*

6.2. This section uses the terms ‘**may serve**’ which implies that members of An Garda Síochána are not obliged to give a fixed charge notice. This is an important distinction from the perspective of An Garda Síochána in terms of discretion.

7. Part 6 Chapter 1 Section 107:

7.1. This section deals with drunk persons on licensed premises. Increased hours of serving alcohol may reasonably be expected to lead to a corresponding increase in the number of drunk persons in nightclubs, with some exiting nightclubs at a much later hour. This will require Gardaí on the streets to police patrons, who are likely to have consumed more alcohol. Again, the potential arises for increased levels of anti-social behaviour, including offences against public order and assaults.

8. Part 7 Section 129 – Test purchasing of alcohol

8.1. Subsection (4) of this section states that *‘The Minister shall, after consulting with the Commissioner of the Garda Síochána and the Minister for Health, from time to time issue guidelines in respect of the procedures to be followed with respect to the practical operation of this section.’* In light of the fact that young persons are required to assist in this type of prosecution, there is a need to ensure that this section has clear guidelines in respect of the procedures.

Give Us The Night

SAB_07

Dear Members,

We would like to thank the committee for asking us for our feedback regarding the recently published General Scheme of the Sale of Alcohol Bill.

Below are some of our main observations on the bill, with additional proposals.

Nightclub Permit

Under the current proposed reform, nightclubs will be able to serve alcohol until 05:00. We feel that this is a moderate change and that this time could be reviewed within 2-3 years to examine further extension.

As a comparison here is a rundown of closing times across different European cities. In many cases these dance venues have the ability to operate 24 hour (including the sale of alcohol), and bars generally serve alcohol until closing time.

Amsterdam - De School - 23:59 - 09:00
Athens - Six D.O.G.S - 23:59 - 08:00
Berlin - Berghain - 24 hour
Geneva - Zoo - 23:59 - 08:00
Bratislava - Radost - 23:00 - 08:00
Brussels - Fuse Club - 23:00 - 07:00
Budapest - Lärm - 23:00 - 06:00
Copenhagen - Culture Box - 23:00 - 08:00
Helsinki - Kaiku - 22:00 - 05:00
Lisbon - Lux Frágil - 23:59 - 06:00
London - fabric - 23:00 - 08:00
Madrid - Mondo - 23:59 - 06:00
Nicosia - Klubd - 23:59 - 06:00
Paris - Nexus - 23:59 - 09:00
Prague - Cross Club - 20:00 - 07:00
Rome - Neo Club - 23:59 - 08:00
Sofia - Balta Club - 23:59 - 07:00
Stockholm - Under Bron - 22:00 - 05:00
Vienna : Grelle Forelle - 23:00 - 06:00
Warsaw - Smolna - 22:00 - 08:00
Zagreb - Aquarius - 23:00 - 07:00

Drinking patterns amongst nightlife goers have significantly changed over the last decade. In 2009, economist Dr Constantin Gurdgiev stated in his economic assessment of the Irish nightclub industry: “The nightclub industry sells approximately 5% of all alcohol retailed in Ireland by value, less by volume”. Given the downturn in nightclub venues since then (300 in 2009 versus 85 in 2022), it’s clear that a very minimal amount of alcohol is consumed within the Irish nightclub sector today (we approximate it at closer to 1% of alcohol consumed in Ireland).

We appreciate that 06:00 (05:00 bar) for nightclubs is a step forward for Ireland, and that it’s appropriate at this present time. Closing times should be reviewed in the future though, along with the entire reform, within a 2-3 year period. With alcohol consumption on a steady decline in Ireland (particularly in the on-trade), there may soon be a valid case for no curfews in late-night venues in certain cases.

In terms of the cost of a yearly nightclub permit, we think that it should be fairly priced to reflect the one court appearance that it takes to obtain this permit. In essence, this cost should be simply an administration fee.

Late Bar Permit

This will probably be the most popular of the new permit/licence types, which we expect to be used by bars, hotels, clubs and other on-trade businesses across the country. The bill itself does not appear to specify how much additional time customers have on the premises after the bar shuts, which should be clarified. As with the nightclub permit, we think that the late bar permit should be fairly priced.

Occasional Late Hours Orders

The replacement for Special Exemption Orders (SEOs), which again are deemed to be for “special occasions”. We hope that these orders can come without a cost, to encourage their use in general. If a charge is necessary it should be nominal and a fraction of today’s SEO cost. A court appearance should only be required for a first time applicant or first time event site/building being used. Generally the application process should be streamlined and kept online. Applying a month (and sometimes more) prior to an event, as is the case with Special Exemption Orders, is unworkable for many venues and organisers. There must be more flexibility on this, including the ability to apply on the week or even day of an event (if the venue/organiser has previously obtained an occasional licence and considered to be of good character).

Cultural Amenity Licence

While this licence sounds interesting, it falls short in terms of its scope. It closely resembles the existing theatre licence with no in-built ability to be used ‘late’ (as per the theatre licence pre-2008). We don’t agree with the Department of Justice’s position on this, and believe that it’s ignoring the discussions that have been had in recent years to diversify the use of cultural venues into night-time venues. Not all late venues are traditional nightclubs, and shouldn’t have to become one to operate until the same time as a nightclub.

A theatre or arts centre has a range of functions as a performance space, and if these types of venues decide to run stage shows, music events, cinema screenings or other events that champion the visual arts for instance, they should have the same access to the night as a nightclub. With Ireland becoming increasingly deficient in venue space, we find this exclusionary policy to be most unhelpful, especially given

the increased interest in community-driven cultural venues, where the sale of alcohol would be insignificant.

To deem an event that happens after normal pub opening hours in a cultural venue to be a “special occasion” misreads the potential function of these buildings and indeed the use of bonafide theatres in the past. Requiring these venues to obtain Occasional Late Hours Orders in court is unfair.

These venues should have access to a yearly late permit of some type. At the very least they should have a set amount of automatic Occasional Late Hours Orders that do not need to be applied for separately in court. Essentially these would be a limited amount of ready-to-go vouchers that are given to venues at the beginning of each licensing year, that will encourage activity as opposed to having to apply in court each time, which is naturally cumbersome and disincentivizes activity.

National Cultural Institutions Licence

To repeal this licence is an unnecessary move that will hinder the creative ambition within our cultural institutions. In licensing terms, it serves to devalue these flagship venues, and the unique opportunities that they can offer to performers and communities in the future. A cultural institution is different to a local arts centre, gallery or theatre, and should benefit from a special licence type of its own. For the recent “Haunted Dancehall” events, a groundbreaking weekender at the National Concert Hall, the venue used its National Cultural Institutions Licence to open later into the night. Under proposed new legislation, this licence will be repealed (and converted to a National Cultural Amenity Licence), with the venue required to apply in court any time it wishes to go late (02:30 latest) with the use of an Occasional Late Hours Order.

Given how seldom this licence has been used in the past to facilitate late opening, but the unique potential it offers in future for one-off events, we see its removal as being a regressive measure. It represents an effective ‘two-steps-back’ restriction for cultural institutions (of which there are only 7 in the country). For a national cultural institution to have the permanent ability to serve alcohol after standard pub hours, it would need to acquire a publican’s licence, and then a late bar or nightclub permit. Why should our national cultural institutions require a Publican’s Licence to permanently trade later at night? These venues are not pubs and should not be treated as such. Even if the National Concert Hall opened late every weekend, it still wouldn’t be a pub, or a nightclub for that matter.

In light of the severe shortage of venues around the country, music and arts communities are relying on public buildings to provide social spaces that the commercial market can barely provide anymore. This particular aspect of the reform ignores emerging trends and needs within society.

We propose that the National Cultural Institutions Licence remain intact, meaning that our 7 cultural institutions will still enjoy the same flexibility as they currently do. Requiring these venues to apply in court each time they want to operate late is simply not needed, especially where the sale of alcohol is clearly an ancillary offering.

National Convention Centre

An interesting update contained within the new bill, is the ability of the National Convention Centre to operate a bar until 02:00 for “convention events” without any type of add-on permit. This enormous building contains multiple suitable venue spaces for large music events in Dublin (spaces that the city does not even have one of currently), yet is effectively shut off from the public. It has however, previously hosted dance-related functions in this space for tech companies, using Special Exemption Orders to operate late on occasion. The Department of Justice is making a specific new law to better enable late activity in this State built venue facility, while at the same time curtailing Ireland’s main music venue’s (National Concert Hall) licensing arrangement. This is a clear display of business people being prioritised over culture and the public, but which we hope could be resolved in a positive way.

We believe that it should be a condition of this new licensing arrangement, for the Convention Centre to host a number of public music events each year, in co-operation with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, and relevant industry stakeholders. With this in mind we propose that a specified “non-convention event” in the building (that refers to a trade fair, live sporting event, reception, dinner, banquet or stage show) also include dance/live music events.

Extinguishment Process

Give Us The Night had proposed the creation of a new category of alcohol licence specifically for entertainment/night-time venues. The Department of Justice has chosen not to take this route however. Nightclubs will continue to use a 7-Day Publican’s Licence as their base licence, with the newly created nightclub permit enabling these nightclubs to open actual nightclub hours.

A 7-Day Publican’s Licence doesn’t come with a money back guarantee, it’s a false commodity that increases monopolies, barriers to entry for new operators, and crucially which restricts local competition and innovation. The fact also that a small music venue owner should have to compete with a supermarket chain in order to buy a pub licence, is also absurd. As we have seen over the years too, the price tags for these licences fluctuate on the open market. We believe these licences could easily exceed €100,000 if the extinguishment rule stayed in place post reform. Who can afford that? Auctioneers should not be involved in the sale of licences, the State should, and for a fair price.

Give Us The Night did not actively campaign to remove the extinguishment process but given that the 7-Day Publican’s Licence is being retained for late-night venues that will act as an instant deterrent to new operators entering the market, we see no other option but to remove the extinguishment requirement. We believe that a three year phasing-out period is fair to publicans, despite the fact that this will impact on new operators entering the market in these first three years. The removal of extinguishment can revolutionise the on-trade, introduce interesting new options into areas where nighttime activity has dwindled, and more importantly bring more people out at night who currently do not engage in their local night-time economy.

Additional Points:

Planning Laws

Unless our planning laws speak to the new licensing laws, the potential for meaningful change within this reform is minimal. Local authorities' hesitancy to permit the use of buildings as night-time venues or on-trade businesses in general, is one of the biggest threats to the growth of our night-time economy. Please read our short 8 points relating to planning & local authorities (in appendix document) - recently sent to the Department of Housing, Local Government and Heritage - that addresses some of these challenges. It's most important that this department, in co-operation with local authorities, is ready to make necessary amendments in order to facilitate the potential of this long overdue licensing reform.

Training for venue staff to be a licensing condition for late-night venues

We believe that specific training requirements for venue staff and security should become mandatory for late-night venues. This could include vulnerability, women's safety and anti-harassment training, with a focus on spiking too. This could also extend to a potentially HSE-led programme on club safety. Excessive alcohol or drug consumption, and the impact of each, need to be closely monitored (particularly in the opening stages of the new reform coming into place). We also propose that free water is made a licensing condition for both late bars and nightclubs where dancing is taking place.

Licensing Costs

Venues have to shoulder all manner of consultancy fees, legal fees, regular renovation works and general costs, on top of mounting insurance and energy costs. It's already a concern of ours that any venue applying for a nightclub permit will be an extra target for insurance companies. The late-night industry should not have to cover the yearly running costs of the Courts Service and we hope that the State will fix a reasonable price to any late night permit, be it a late bar or nightclub. The general price range in other European states for late permits/licences range from €500-€2,500 per year.

Licensing Decision-Making

With more stakeholders now involved in the licensing process, the difficulties to obtain and/or renew a licence may increase. The enhanced role of the HSE, although not a bad thing it would seem, has yet to be experienced in a real-life situation. We are concerned, in the case of a local resident making a complaint about noise to a local authority, that they may see fit to now also contact the HSE, in order to put additional pressure on a venue's licence. The HSE's new role needs to be monitored and subject to a review by the Department of Justice within a 2-3 year period.

Ireland is becoming more and more intolerant of the night-time industry, and some residents (living in central nightlife locations) feel it's their right to have a business shut down when there are other ways to resolve these situations. This is why we believe that all local authorities should have a noise mediation service in place.

Lastly, we don't feel it's fair or appropriate that closing times in a particular area are fixed based on how many Garda officers are rostered to work later at night. Quite often this has been the difference between one part of the country shutting earlier than another, which puts added pressure on affected businesses. In some areas

venues are being asked to close the bar, shut off music and remove people from the venue at the exact same time, without any of the commonly known “drinking-up time”. We hope that the new licensing laws will be consistent across the country, and indeed that venues will be able to make greater efforts to manage crowds in a way that won’t put undue pressure on An Garda Síochána.

Follow-up suggestions re: Planning Workshop (Chocolate Factory, Dublin – 12/5/22)

1. Reform fire departments and their engagement with cultural/licensed venues, and monitor the performance of their service in general. We regularly hear about the 'grinding' mentality of some fire prevention officers, who appear to make it as difficult as possible for businesses to operate. It has been suggested that we need more officers employed to meet the demands that fire prevention officers ask of venues, which require swifter communication, processing of decisions and so on. Having to communicate through planning consultants has also been described as an unnecessary (and expensive) system for quite a few business owners, who feel that they should be able to deal directly with their local fire department.
2. Sufficient amount of areas that are zoned for night-time use. In Dublin for instance the space given to nightlife has been significantly narrowed. We need a rethink nationally about this, and to actively make areas more nightlife friendly. This must also include industrial areas that are currently in use, with suburbs and city/town centres being too built up (with no spaces) and full of residents. This is commonplace throughout Europe, where operators are given the opportunities to setup venues in business and retail parks etc. The Dublin City Development Plan highlights the potential use of "former industrial" lands but this just does not go far enough. Accessing all types of buildings and land needs to be possible for new operators and communities to develop a cutting edge cultural and night-time offering.
3. Revisit the recent Planning Act amendments (enabling pubs to convert to residential without planning permission), and the additional category (category 12) for licensed premises which appears to label any space/venue/business that serves alcohol on the premises as a public house. This may have been an unintended consequence of the amendment but it effectively puts all on-trade businesses into one narrow bracket of being public houses, which is exactly what we don't want. The Department of Justice is endeavouring to create clearer divisions between different types of venues/licensed premises with licensing, while Housing appears to be going the other direction. This makes no sense at all and should be rectified.
4. Venue definitions need to be updated, so that the licensing changes (the expected nightclub licence) speak to the planning system. There must be a definition for a *licensed* dance/cultural/entertainment venue, distinct from a public house, that lets judges know what is being proposed. Nightclub could work too, but we need a little bit more flexibility given the multi-faceted approach of many venues nowadays. We can propose some ideas (or seek a suitable suggestion from a licensing specialist) for the definition name, but for now we want to identify the issue, which is needing a corresponding planning category to match the new licence (or potentially more) in the works. We propose that the Housing Department and local authorities create new categories based on the new/updated categories of licence designed by Department of Justice in the new reform.
5. Also give consideration to the "Sui Generis" class in planning (commonly used in UK) which is specific to smaller, unique venues including music bars, clubs, theatres and concert venues. This could also accommodate the community venue use distinction proposed at the last NTE

Taskforce meeting, which could help to create a greater space for independent arts/music venues that aren't all specialising in the sale of alcohol.

6. Expand on "mixed use" as a concept, to include more uses within the same building. The vast majority of developments described as mixed use in Ireland are limited and unimaginative; creativity needs to be encouraged and Ireland needs to start pushing the envelope more in terms of actual mixed use developments whereby buildings can stay active for longer periods of the day, while engaging communities with their local areas to a far greater extent.

7. Ensure that all local authorities have a consistent noise/sound policy in place, that recognises and uses the Agent of Change principle, and fairly assesses disputes based on the needs of both sides. Nightlife by nature makes noise, and it's unacceptable that towns and cities across the country are losing venues and vibrancy in general, because of the complaints of one or two neighbours (who should perhaps think about living outside of nightlife/entertainment areas). We would recommend a conflict resolution service be developed within all local authorities: <https://www1.nyc.gov/site/oath/conflict-resolution/mediating-establishment-and-neighbor-disputes.page>

8. Give consideration to the capping of new-build office developments in light of the rising vacancy rate of these type of buildings. Bearing in mind the increasing shortage of space for culture, entertainment and leisure activities, it would also make sense also to promote a policy to grant swift changes of use on many of these buildings, which at BER C or lower rating would still make suitable venue spaces, with little investment needed to bring back into use.

Give Us The Night

Submission to the Department of Justice
Open Consultation on the Review of Alcohol Licensing
January 2022

WHAT ARE YOUR VIEWS ON THE EXISTING LICENSING SYSTEM?

The existing licensing system is the result of successive failures between the end of the 1990s and early 2010s, to correctly update Ireland's laws. Amendments to the existing licensing code through a series of small, mostly ineffective 'patch jobs' was never going to work. Huge concessions were made to lobby groups in preference of progressive legislative change, and the result for the most part was over a decade of preparatory work by the Department of Justice that mostly went to waste.

The failure by the Department of Justice to publish the Sale of Alcohol Bill (first drafted in 2005) is still hard to understand. We however warmly welcome Minister McEntee and the Department's willingness to redraft this bill in 2022. Making up for 17 years of inaction, to match the needs of today's market and society, will require a radical overhaul of the existing licensing laws. We dearly hope that these changes will not be too little too late.

Alcohol consumption has been experiencing a natural decline over the last 20 years, easing from 14.3 litres per capita at its peak in 2001, to the most recent figures of 10.8 (2019) and 10.1 (2020). This has coincided with a substantial decrease in use of publican licences and an over 400% increase in off-licence related businesses. Frustratingly, the Government's focus relating to nightlife during this time has still revolved solely around alcohol, rather than the holistic and community benefits of a night-time culture. Additionally, its actions in relation to reform have been consistently confusing.

The Consumer Protection Act 2007 paved the way for the low-cost sale of alcohol in supermarkets, as the Government rolled out cheaper home drinking while incrementally raising the price of alcohol in the on-trade. If drinking in licensed premises was already starting to wane, the culture of going out at night and drinking in large volume began a sharper descent. This makes the Government's subsequent intervention through The Intoxicating Liquor Act 2008, to target late-night venues, seem all the more needless.

The biggest loser in all of this over the years has not just been the Irish nightclub, it has been the public, who have watched what was an exciting, thriving nightlife (and at one point the envy of many countries), become one of the most dull and lifeless in Europe. No doubt other factors played a part: the competitive advantage handed to late bars over nightclubs, the move towards dating apps and social media for social interaction, the prohibitive cost of insurance premiums, and the rise in the price of land, have all made it exceptionally difficult for a night-time entertainment sector to exist. The one lifeline never given, that could have provided so many operators and promoters with an opportunity to survive, was an update of licensing laws and removal of the extortionate licensing costs that have crippled businesses and cultural activity.

In 2009, economist Dr Constantin Gurdgiev stated in his economic assessment of the Irish nightclub industry: “The nightclub industry sells approximately 5% of all alcohol retailed in Ireland by value, less by volume, yet it shoulders almost 70% of the total annual licensing costs levied at the on and off-trade combined.” This statement came directly after the increase in price of special exemption order costs (which we will come to later), but the estimate of 5% alcohol sales for nightclubs is an interesting one. At that point there were over 300 nightclubs in Ireland (down from a record high of 522 nightclubs in 2000).

Today the number of nightclubs in Ireland is far below 100, at approximately 80. If nightclubs accounted for 5% of the overall market share of alcohol sales in 2008/9, that figure is clearly much less today. This has to factor into the scale of licensing costs paid by late-night venues like nightclubs in the future. The fair process is to calculate licensing costs based on turnover as per each year’s licence renewal cost. Any additional costs levelled at the late market based on the fact that these venues opens later at night, is discriminatory.

We will never know the extent of the opportunities that have been lost due to government indifference and inaction, but as our sector hangs by a thread, one step away from total collapse, we expect a strong and long-overdue modernisation of the licensing laws.

DO YOU THINK THAT ALL LICENSING MATTERS SHOULD BE DEALT WITH BY THE DISTRICT COURT?

The yearly renewal of all alcohol licences in the District Court would be a fair process, with most other licensing applications moved to a quick, transparent and easy-to-use online resource, that involves all relevant stakeholders and bodies. An online system would also help to reduce strain on court resources and remove legal costs for applicants.

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?

The process can be made cheap, fast, flexible and simple. The easiest way to do this is to move the vast majority of licensing applications online.

CSOL (Courts Service Online) in its current form is not the answer. What a high-functioning online portal should do is connect all relevant stakeholders – e.g. Courts Service, Gardaí, Local Authority, Fire Officer, who can provide relevant comment from their organisation, and engage in consultation regarding the issuing of a licence/permit. For any venue or event licensing application, applicants should have the ability to request exactly what they require and be very clearly informed what licence or permit they need to obtain, what documentation they will be required to supply, and how long the process will take. An online resource, besides being quick and efficient, should be educational too. Any complexities in our licensing system must be made more understandable to the applicant if the State is serious about increasing the amount of cultural activity across the country.

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?

The intention of Give Us The Night is not to flood the market with alcohol licences. It is to create affordable, fit-for-purpose licences that enable more activity for businesses and organisations, employment for workers, as well as a variety of cultural and social options for the public. Any unnecessary burdens - be it excessive licensing costs, expensive extinguishment of a licence, or strict closing times - need to go. All of these current methods and practices are distinctly Irish, and are not followed by any other European country. That should provide a strong hint as to how smart and effective our current laws are. No establishment (nightclub, late bar, live venue, theatre etc.) should continue to be penalised for serving a “late drink” and any continuation of judging and taxing the sale of alcohol based on the hour of the day it is sold, needs to end.

Ireland only has so much room for new licensed premises too, that we do not anticipate a huge upsurge in new licence holders, however with fairer access to licences which will lead to more activity, we predict a much greater engagement with the night-time economy by those who may currently prefer to stay at home or plan their social time abroad.

Ireland's population in 2002 was 3.9 million, today in 2022 it is just over 5 million. By 2042, it is predicted to exceed 6.2 million. We envisage a future scenario where more people engage with their local area at night, particularly if more options are on offer. A rising tide lifts all boats, and we are confident that more activity will be good for all involved while increasing footfall significantly in our cities, towns and villages.

The following are a range of licences that can be used to encourage activity, and make it easier for all types of organisations to function.

Culture Licence

Limited special licences granted to non-profit arts organisations by recommendation of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (and/or in conjunction with local arts offices). This could facilitate the use of previously non-licensed venues or locations, such as gallery spaces, in addition to buildings operating under meanwhile use. It could apply to permanent projects, for projects or exhibitions lasting a finite amount of time or simply for one-off events. Consideration could also be given to the modification of the National Cultural Institutions Licence, to be put into use in more State-owned and funded cultural buildings.

Venue Licence

For entertainment venues with:

- Stage and/or DJ booth
- Sufficient ratio of dancefloor space
- Advanced ventilation system
- Full-time sound and lighting engineers
- PSA approved security staff
- Professional sound, lighting and tech setup
- Cloakroom or other equivalent facility to store jackets/belongings
- All of the current CCTV requirements of late night venues to be in place

This licence would give the ability to such venues to open later at night. Nightclubs particularly, need a complete division from the pub licensing system. There is nothing that connects a nightclub to a pub, culturally or aesthetically. A nightclub has as much in common with a pub as a theatre or restaurant does, both of which have their own licences.

The idea of a 'Nightclub Permit' is a dated one (included in the original draft of the Sale of Alcohol Bill), that was first proposed approximately 20 years ago, and goes nowhere near far enough. The idea is stuck in old licensing logic that a pub be given special permission to be a nightclub, which is the old system that the Government appears ready to move on from.

With the industry now on its last legs and ready for a rebirth, it is time to give venues their own distinction. The future will involve a greater variety of buildings for night-time events – whether these are nightclubs, live venues, converted pubs, ballrooms, hotels, industrial units, music halls, sports and leisure buildings, or some type of other repurposed spaces, spaces to dance in can and will be more diverse.

Furthermore we propose that a venue wishing to avail of later opening hours could be graded based on its ability to contain sound within the building and not be a nuisance to local residents (if any). This would incentivize venues to upgrade their soundproofing and noise cancellation systems, and in turn improve their noise impact grade in order to secure later opening hours.

Theatre Licence

The theatre licence should be permitted for venues that provide a pre-determined list of shows that are based around performance. It is our view that any venue that specialises in performance based events, should be rewarded. These events create employment for artists and crew, develop cultural movements and enhance the tourism potential of an area. Therefore greater use of the theatre licence, and later into the night, should be strongly encouraged. There has been resistance in the past to the use of the theatre licence by some in the on-trade who did not appreciate activity unapproved through the regular court processes (theatre licence holders apply to Revenue). Under new improvements to the licence, we see no reason why theatre licence holders should not have to apply for (and to renew) this licence at the District Court.

Perceived abuse of the theatre licence in the past was in direct relation to excessive licensing costs and short opening hours for licensed premises under the pub licensing system. From the Intoxicating Liquor Act 2008 onwards however, theatre licence holders were subject to the same costs and closing times (under special exemption order system) as pub and nightclub owners if they wanted to open late. Clearly a performance venue like the average theatre is not going to sell as much alcohol as the average late bar, and alcohol is provided as a supplementary offering to the primary experience of the performance, as opposed to the sale of alcohol being the primary function of the establishment. To be forced to have to sell a set amount of alcohol to cover exemption costs was never going to work for theatres. As a result, theatre and arts spaces across the country do not engage in later night activities, despite the potential that exists during this time.

Given the severe shortage of venues in Ireland, and the need to provide a more diverse and inclusive range of activities in communities, it is clear that greater access to the night-time market through this licence must be facilitated.

The licensing stipulation to provide alcohol shortly before and after a performance guarantees that most (if not all) theatre licence holders would not convert into all-day public houses, thus alleviating any threat to the daytime business of neighbouring establishments. With planning for on-trade licences becoming more and more difficult to secure, it is imperative to put more of our existing cultural spaces to greater use, which is why this licence should be enhanced.

At the height of its use in the late night market, the amount of theatre licence holders in Ireland stood at just 98 (2008) which rose over a five year period from 67 (2003). The current amount of theatre licence holders is 87, which ranges from theatres to arts venues to cinemas. These exceptionally low numbers highlight what was always the case with the opposition to theatre licences, a storm in a teacup created by a tiny amount of territorial licence holders. The experience was only ever a positive one for the night-time industry and the public (who enjoyed a more colourful selection of venues to visit at night).

In Dublin, where venues were once permitted to open to 3.30am and later under the licence, public order offences dropped steadily from 2005-2008 according to CSO figures. This was attributed to the effect of staggered closing created by the licence, a sentiment shared by Garda Superintendent Joe Gannon of Pearse Street Garda Station, when he spoke to the Irish Times in 2008: "When we had the theatre licences one lot were coming out of bars at 2.30am and another lot coming out of the late clubs at 3.30am, so there were people on the streets until about 5am. "Now they are all coming out together at 2.30am.

The fast-food places don't have the capacity for them all, so a lot head straight home. "If it is staggered, there is less volume at once, which is easier to deal with. There is less potential for volatility on the streets."

Late Bar Permit

Would replace the need to apply and pay for expensive special exemption orders each month. Indeed, pubs could also apply to go extra late to show specialist sports and one-off events taking place in different timezones, on a limited number of nights per year. A standard late bar permit would be available to any licensed premises to apply for. When or whether they use it would be a matter for the establishment. The UK experience after the introduction of 24-hour licensing is that the vast majority of pubs did not extend their closing times, but having the option was appreciated. In Ireland, where the late bar model is popular, we envisage a strong interest in a late night permit, which should be priced at a nominal fee.

HOW COULD ALCOHOL LICENCES IMPROVE THE CULTURAL OFFERINGS AVAILABLE THROUGHOUT THE COUNTRY?

To seriously and sustainably improve cultural offerings, we must support cultural communities. These communities need to be able to connect if they are to grow. Performance venues, cultural hubs and arts spaces provide vital infrastructure for creative practitioners to make social and professional connections. If licensing laws can facilitate these premises to host events later into the night, it will provide fertile environments for cultural movements to propagate. Beyond this, the potential diversity of offerings (dance, music, performance art, poetry and spoken word, theatre, film etc.) provided by such spaces could be of benefit to wider communities and help open nightlife across age demographics.

We do not believe that alcohol is a necessary social lubricant that must go hand in hand with any type of event, and we encourage any organiser who feels like making their event a 'dry' one. However, the serving of alcohol is a common expectation at an event, and in the case of an event where talent and production costs are high, the sale of drinks is a welcome source of revenue.

Many State owned buildings and government-funded spaces, not to mention different types of cultural events, are not served by functioning bars as standard. Having access to a licence would give greater flexibility to cultural venues to diversify their offerings. Dedicated staff should be responsible for the sale of alcohol in these situations.

This is not to suggest that any cultural building or space should be able to set up with a full-time bar; a limited amount of licensed events/performances per year could suffice.

We also believe that in the case of occasional licences being granted, it should not require the use of an existing licence to be transferred to that location. A temporary licence could be granted directly to the organisation or as a temporary personal licence to an individual (the UK's Temporary Event Notice model is a good example). At present there is a practice in place whereby event organisers must pay to transfer a licence from a licence holder in order to obtain an occasional licence in court. The commodification of licences that allows owners to profit through this process is surely not the desired intention of an alcohol licence, and given the associated transfer costs, is certainly adding to the barriers to entry for event organisers.

IN YOUR OPINION, HOW BEST CAN A PUBLIC HEALTH APPROACH INFORM THE REFORM OF ALCOHOL LICENSING LAWS?

The primary function of Give Us The Night is to increase the amount of activity at night, in particular relation to music and art. While we support easier access to licences to enable venues and events to run, removing the myth that social activity and the consumption of alcohol must go hand in hand to achieve a good night out, is one we are happy to dispel. We are encouraged by the increase in non-alcoholic drink products arriving into the market in recent years, and feel there is strong potential for night-time venues to increase their food and coffee offerings, not to mention outlets that specialise in non-alcoholic consumables.

It has been our view since the campaign started, that the early closing times in place in Ireland have contributed to binge drinking habits of 'loading' up on drinks as soon as closing time gets nearer. Irish people's relationship with alcohol in the last 20 years has changed a lot – many event goers will spend more of their money on paying for a ticket, with events now being more act-driven than they used to be. The drop-off in alcohol brands sponsoring club events has also been organic, with venues and promoters increasing their earnings through the choice of headline act (ticket prices have risen considerably in the last decade), as well as forays into other types of events, including festivals. Social media has also put increased pressure on young people to be more health and fitness conscious, in order to maintain a certain type of public image.

This is not to say however, that there is not always the potential for alcohol abuse, and we support any initiatives or educational programmes that will help to inform responsible drinking patterns and consumption, and that can promote an alcohol-free lifestyle. We acknowledge that the night-time economy is a sector that needs ongoing guidance from the HSE, and that it is important for us to support public health information campaigns in the future. Similarly, we believe that the public should be well-informed on the dangers of drug use, and that Ireland must advance a modernised harm-reduction approach right across society. We have been happy to see the HSE begin to champion this approach in recent times.

During the pandemic, music communities and the events industry at large, have done all in their power to protect and promote public health. Unfortunately the lack of social activity during this time has come at a cost to public mental health, which is a factor that needs to be addressed as we come out of the pandemic. A continuance of overly-restrictive regulations involving socialisation and policing of human behaviour like dancing, is not part of an Ireland we want to live in.

It has been long documented that dancing decreases anxiety and stress levels, which can also help to alleviate depression. A severe decline in the number of social and community spaces in operation nationwide, not to mention a gradual fall off in access to public space, does nothing to increase the morale of Irish citizens.

Places to dance are vital for society. They are key components in the well-being of younger communities particularly. Without spaces to dance for adults, there are less places to dance for children and teenagers, many of whom are without a local disco, which was commonplace throughout the modern era. During lockdown, many high points involved dancing, whether that was through local residents in Ringsend performing their routine to Whigfield's "Saturday Night" or the fancy footwork of An Garda Síochána responding to the "Jerusalema" dance challenge, or any of the endless Tik-Tok videos that portray dancing in the wonderfully positive and uplifting form of expression that it is.

The appetite for a nightclub experience has not gone away, although the form of that experience has changed since the '70s, '80s and '90s. Nightclubs took over from the ballrooms and dancehalls of the past, but no other type of dance space ever took over from nightclubs. The classic, purpose-built nightclub has unfortunately become close to extinct in Ireland, with most of the few new club spaces at night popping up in the back of restaurants or makeshift spaces that are far from ideal in aesthetic. In a country that created Riverdance, where line dancing still enjoys a cult following, Ireland covers and caters to a wide range of dance enthusiasts. Dancing is good for all of our health, and places to dance need to become more plentiful again. For all generations.

WHAT ARE YOUR THOUGHTS ON THE SPECIAL EXEMPTION ORDER SYSTEM? WHAT CHANGES, IF ANY, WOULD YOU LIKE TO SEE MADE IN THIS REGARD?

Special exemption orders (SEOs) should be completely abolished. This grubby, over-administrative system is an embarrassment and a good example of how little the State has respected this industry and hardworking venues who have tried desperately to keep their heads above water post-2008 (and again during the current pandemic). The COVID-19 pandemic presents an opportunity to innovate and accelerate the sector when it reopens, and dropping these charges is essential to encourage activity, particularly on 'off-peak' nights.

Monthly court appearances required to obtain SEOs are held under the pretense that an important hearing is taking place, which somehow rationalises legal fees, court fees and excise duties that must be paid by operators every month. Do hotel, traditional pub, restaurant or off-licence owners have to appear in court each month? Do other business owners have to nominate what days they are going to be open for business? It should be assumed that there is a good chance venues with the correct licence will regularly operate beyond 12.30am each week. Venues should not have to appear in court to lay out their plans for the month ahead.

Operating after permitted pub hours is not something special, it is normal. It is the view of Give Us The Night that there should only be a yearly court hearing to renew any licence, and the charade of monthly court appearances should end. If venues breach licensing conditions they should be subject to an instant court summons, however this is the only reason an active venue should have to re-appear in court to be permitted to open for business.

The Sale of Alcohol Bill will finally, we hope, officially recognise late-night venues in their own right and no longer as venues running 'special' events. As such, the normalisation of these venues should not come with additional licensing costs to give them the privilege of opening 'late'. Do casinos or airports or private members clubs or hotels (residents bars) have to pay additional money per year just because they can serve after normal pub hours? Do any other countries employ this method and charges?

Special exemption order figures have been on a steady decline from 2005, which that year resulted in 93,247 purchased nationwide. Every year since then has resulted in a reduction of applications. By 2019, pre-pandemic, the total amount was estimated at 34,806 in total. This represents a total of €10,441,800 in revenue to go to the Courts Service. The total in government excise duty came to just €3,828,660.

The SEO system offers small change to the Government, but it presents a significant investment to operators, who must forego opening many nights each week, because of the financial risk a €410 (plus legal fees) levy per night poses. Its purpose is to fund the Courts Service and pay solicitors' fees that could easily have been carried out by the applicant online if necessary. The SEO system is a farce, and must go.

The Government must find other ways to fund the Courts Service than through these punitive charges. We also strongly believe that quarterly court appearances or any type of fangled recreations of the SEO process should be dismissed as alternatives.

DO YOU THINK THE CURRENT PERMITTED HOURS FOR LICENSED PREMISES ARE APPROPRIATE? WHAT CHANGES, IF ANY, WOULD YOU MAKE? PLEASE EXPLAIN WHY.

The current permitted hours are inappropriate and have been for many decades now. Opening hours should be consistent and not be restricted for particular nights of the week, as per early closing on Sundays. The average closing time around Europe is between 7-8am. Most of these countries have the ability to run 24 hour. It is our view that Ireland should follow our European counterparts.

A theatre, pub, late bar, restaurant, nightclub, hotel or any other space with an on-trade licence should be able to offer dancing, provided it has a **Public Entertainment Licence**. We propose that the public entertainment licence (on a par with that used in any of our neighbouring states, including the UK and Northern Ireland) should overwrite the dance and music & singing licences.

This would pave the way for the repeal of the 1935 Public Dance Halls Act, a piece of legislation that was created to specifically target and control the amount of dance events taking place over the years (typically attended by young people). The dance licence has been used tactically by authorities to stop events taking place for almost a century now, which has damaged the evolution of dance in the modern age. The cynical use to discriminate against traditional Irish music, to older forms of modern music like jazz, and in more recent decades, electronic dance music, has displayed an ugly and vindictive attitude towards music and entertainment. Unlike other countries where activity is generally welcomed, Ireland's modus operandi has been to prevent it.

This licence should be granted separate to an alcohol licence, permitting the holder of this licence to provide entertainment (including music and dancing) until whatever time they choose, provided local residents are not disturbed in any way. Aligning alcohol and entertainment is an old-fashioned mindset, and prioritises the consumption of alcohol above anything else. Music should not suddenly stop just because the bar has shut, if anything having additional time to dance off the effects of alcohol is only a positive thing.

The time after the bar shuts to when patrons must vacate a premises should not simply be considered "drinking up time". This period should also be for music and to continue the schedule of acts booked to play at the event. We strongly believe that a public entertainment licence should be available to organisers and venues who do not wish to sell alcohol. We also wonder how the future of non-alcoholic events can advance for as long as authorities force the union of alcohol and dancing in the application process.

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.

We understand that deregulation is a sensitive and contentious issue, but is one that should happen to help modernise and reinvigorate the licensed trade. The extinguishment requirement for licensed premises is an anti-competitive barrier to entry, a remnant of the pre-millennium pub industry when trade was at its peak. The previous attempt at deregulation was not deregulation, it simply removed the necessity to extinguish locally (as opposed to removing the extinguishment process entirely). In particular it restricts small bar and venue owners, who can add vibrancy and provide added employment to locations around the country. It is not financially viable for a small bar owner, for instance, to have to pay €40,000+ for the mere “extinguishment” of a licence, before they can open for business

In the fourth report by the Commission on Liquor Licensing in 2003, it proposed a non-transferable licence for smaller pubs that would not need to be part of the extinguishment process. Elements of this proposal (such as the bar not being allowed to operate ‘late’) are not ideal, however the general concept is a good one that could be used as a transitory measure, before an eventual deadline to fully deregulate the sector.

We have serious concerns about how much pub licences would rise in price if extinguishment remains in place, as more favourable licensing laws are introduced. We have not campaigned to modernise the system and bring about this review, only for other unintended consequences like this to occur. Auctioneers, brokers and licensing solicitors should not be able to trade licences, and we strongly recommend that this comes to an end. The State should be the only salespeople of licences, and for a fair price.

If removing the extinguishment process, licence holders could be compensated by the Government, with priority given to those who most recently bought a licence. With prices now being at the lower end of what they have been in the past (but still too expensive for many), now is the time to get rid of the system altogether. Extinguish the extinguishment process.

IS THERE ANYTHING ELSE YOU WOULD LIKE TO SAY, OR WHICH YOU FEEL IS IMPORTANT TO HIGHLIGHT?

Staggered Closing / Crowd Dispersal

Staggering the closing times of pubs, restaurants, late bars and entertainment venues is inevitable under new licensing regulations, we assume. Other than easing crowd congestion, decreasing the potential for public disorder and increasing the availability of transport, staggered closing has the ability to make the job of Gardaí a more manageable one too.

More responsibility should be placed on licence holders to ensure a swift dispersal of patrons from outside their premises at closing time. This is not to suggest that security staff would attempt to police public space, but that venues in general would encourage patrons not to loiter outside venues after leaving. Much discussion about noise emanating from venues tends to focus solely on music, but it is often loud human voices that can create the most disturbance late at night. We believe that operators need to be as respectful as possible to neighbours to ensure that patrons do not congregate outside for prolonged periods of time.

“Sure Everyone Will Be Doing it!”

Historically, a common reaction from licence holders at the prospect of increased activity and/or businesses opening later at night, is one of fierce resistance. Any new or progressive licensing change proposed to diversify offering in the on-trade has been shot down and opposed aggressively, which has come at a great loss to choice and innovation within the sector. Greed and entitlement are particularly ugly traits of the licensed trade in Ireland. By reducing competition, standards inevitably drop, which is why the choice and overall quality of nightlife has suffered so much over the last two decades. We hope such traits do not win over again. We do not believe for a moment that “everyone will be doing it” – the experience in the UK after the Licensing Act 2003 proved conclusively that access to later hours was only obtained by a small cohort of owners.

Inconsistency of Licensing Regulations

It is a familiar story, one licensed premises is allowed to open beyond its permitted time, while another in close proximity is shut exactly on time. We do not believe that any “nod and a wink” application of licensing laws is healthy or fair, and is simply a symptom of an overly-restrictive licensing regime, that is naturally open to abuse. By extending opening hours and allowing each venue fix their own closing times according to customer demand, it would instantly put an end to the aforementioned issue. On a further note, operators should be working with each other as a community, not feel like they are being pitted against each other.

Ongoing Review of Licensing Laws

In the early 2000s the Government was far more proactive in reviewing and amending licensing legislation, even if many of the actual changes were regressive rather than progressive. The winding down of the Commission on Liquor Licensing coincided with little progress on licensing reform being made since. It is our belief that a more regular review of licensing laws should take place, and that forthcoming changes be reviewed within a two year period. We would fully welcome the re-introduction of a Commission on Liquor Licensing to steer this work. If not, we propose that the Department of Justice sets up an independent review of licensing within two years by an outside body.



Written submission on the

Sale of Alcohol Bill 2022

02 December 2022

For: Houses of the Oireachtas, Joint Committee on Justice

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1. Summary

2. **Institute of Public Health**

3. Established in 1998, the Institute of Public Health, (IPH) is a North South agency focused on informing public policy for healthier populations, and a body under the aegis of the Department of Health in Dublin and a Non-Departmental Public Body in Northern Ireland.

4. IPH works on reducing health inequalities and improving health equity and has a particular focus on the social determinants of health, the non-medical factors that influence health outcomes how we are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life.

5. IPH has an established expertise in alcohol policy, reducing alcohol harms and related health inequalities in Ireland and Northern Ireland.

6. IPH provided a written submission to the Joint Committee on Justice on the review of alcohol licensing in Ireland in Jan 2022 and provided evidence to the Northern Ireland Assembly Committee for Communities on the Licensing and Registration of Clubs (Amendment) Act 2021. IPH provides a secretariat for the North South Alcohol Policy Advisory Group, a group established by the Chief Medical Officers of Ireland and Northern Ireland to promote co-operation and to support the development of evidence informed policy to reduce alcohol related harms on the island of Ireland. IPH is also represented on the Board overseeing the implementation of the *Preventing Harm, Empowering Recovery – A Strategic Framework to Tackle the Harm from Substance Use (2021-2031)*.

7. **Alcohol use and harms**

8. Alcohol use in Ireland cause significant health and societal harms. Among people who drink alcohol most do so at a level that comes with risk. Heavy episodic drinking is characteristic of the national drinking pattern. Half of those who use alcohol are hazardous drinkers (Doyle 2021). Half of the total adult population report experiencing harms relating to someone else's drinking, whether strangers or people known to them (Hope, Barry and Byrne 2018).

9. **Responses to alcohol harms**

10. Ireland's Public Health (Alcohol) Act 2018 intends to reduce alcohol-related harm in Ireland by applying best practice measures to reduce the accessibility, affordability, and appeal of alcohol. The Act operates alongside the Preventing Harm Empowering Recovery (2021-2031) government strategy.

11. However, progress to reduce alcohol harms is heavily dependent on policy and legislative coherence across government on alcohol regulation and messaging.

12. Alcohol licensing and alcohol use and harms

13. Licensing regulations can affect alcohol use and alcohol related harms. This is the conclusion of several evidence reviews (Popova et al. 2009; Wilkinson et al. 2016; Sanchez-Ramirez et al. 2018; Nepal et al. 2020) and stated position of the World Health Organisation on 'best buys' in reducing alcohol harms (WHO 2017).
14. The Sale of Alcohol Bill will likely increase the availability of alcohol as well as foster the growth and diversification of drinking occasions. The provisions of this Bill will further position alcohol as central to the experience of social, cultural, leisure and sporting activity in Ireland. This is likely to increase alcohol consumption and alcohol-related harms.
- 15. Structure and scope of matters presented for consideration**
16. Matters for consideration on the Bill are provided overleaf. These propose that public health is recognised more centrally within the Bill and that the State's duty of care towards people in licensed premises is enhanced to minimise these harms.
17. Matters for consideration are presented in two parts - firstly relating to the content of the Bill itself and secondly relating to implementation and oversight of licensing reforms.

18. Matters for consideration (1) - Content of the Bill

19. PART 1 PRELIMINARY AND GENERAL

20. The term 'child' is defined under Section 2.(1) b as a person under the age of 15 years. The rationale for assigning this age is unclear and contrasts with the provisions under Parts 5 and Part 7 which refer variously to persons under 21 and persons under 18. There is ambiguity in the use of the terms child and young person and in relation to the presence on premises for those between 15 and 18 years old.

21. PART 2 SALE OF ALCOHOL PROHIBITED WITHOUT LICENCE, REGISTER OF LICENCES AND MATTERS RELATING TO APPLICATIONS FOR LICENCES

22. It is proposed that additional information be required for inclusion within the licence register.

23. PART 3 RETAIL LICENCES

24. It is proposed that a criteria for the protection and promotion of public health be established throughout Part 3, 4 and 10 (all licence and/or permit application, modification, transfer or renewal of licence), of the Bill and that this include an awareness of alcohol harm, the promotion of low-risk drinking guidelines/standard drink, and recognition of alcohol risk to public health and safety. This public health criteria be reaffirmed alongside alcohol harm, public nuisance and safety, as grounds for objection.

25. the Executive (Health Services Executive) be an identified notifying party to all licence and/or permit application, modification, transfer or renewal of licence, as outlined in Part 3 and 4 of the Bill.
26. Additional detail be furnished on the Map attached to an application.
27. **PART 4 AMENITY LICENCES**
28. It is proposed that a criteria of public health, alcohol harm, public nuisance and safety be included as grounds for objection.
29. separate consideration be given in respect of amenity licences for premises/events primarily intended for, or attended by, children.
30. **PART 5 PROHIBITED HOURS AND EXEMPTIONS**
31. It is proposed that international evidence on the potential impact of extended trading hours be taken into account
32. **PART 6 CONDUCT ON OR NEAR PREMISES**
33. It is proposed that the consideration of 'Drunken Persons' be reviewed and that measures are put in place to enhance the duty of care of licence holders for intoxicated persons on their premises.
34. The only specific reference to any consultation with the Minister for Health – accountable for Public Health alcohol policy is with regard to procedures on test purchasing of alcohol, which under-represents the level of cross-departmental cooperation required to reduce alcohol harm.
35. **Matters for consideration (2) – Duty of care and harm minimisation**
36. **Health Impact Assessment**
37. Consideration should be given to conducting a Health Impact Assessment to fully scope all potential health effects from the changes in legislation and define and agree a monitoring framework (Pyper, Cave and Purdy, 2021).
38. **Review of Bill**
39. A specified timeline for review and report on the implementation and effectiveness of the Bill's provisions would be beneficial within three years of commencement, in line with the arrangement proposed in Section 43 of the Licensing and Registration of Clubs Act 2021 in Northern Ireland.
40. **Protecting the health and safety of customers, including children, in licensed premises**
41. This Bill provides for extended drinking hours in many settings, both indoor and outdoor events and in settings where children are present (e.g. holiday camps,

sporting clubs, trains and airports). We welcome the emphasis on compliance with fire safety within the Bill. However, we are concerned about the level of protection on other safety matters for people in licensed premises. The health and safety of staff is protected under legislation but there is questionable protection under law for patrons on licensed premises, particularly for events of less than 5000 people where an events licence is not required. Additional measures are required to mitigate risks arising because of alcohol being consumed and a level of intoxication. Current codes/guidance's including the now outdated 1998 Code of Practice for Safety at Indoor Concerts should be reviewed. Revised guidance is needed which incorporates measures specifically relating to alcohol intoxication and harms including crowd dynamics and closing time protocol, security staff provision and training, provision of alcohol-free zones, provision of zero and low alcohol drinks, ease of access to water, emergency response protocols and access for emergency services and safeguarding of children.

42. Drink driving

43. Extension of drinking hours in licensed premises has been associated with increased drink driving in some countries. It is our view that the Road Safety Authority (RSA) should be engaged to assess the potential impact of the Sale of Alcohol Bill on drink driving. Over one third of drivers killed in Ireland who had their blood tested had alcohol present (Road Safety Authority, 2016). The RSA should propose additional measures, as appropriate, in respect of messaging, signage, designated driver schemes, detection and traffic policing as an adaptation to the implementation of the new road safety strategy, *Our Journey Toward Zero- Ireland's Government Road Safety Strategy 2021-2030*.

44. Gambling and alcohol

45. In light of (a) imminent changes in gambling legislation in Ireland (b) compelling evidence of the co-existence of gambling and alcohol use disorder, and elevated risks of harm from gambling while intoxicated we propose that the new Gambling Regulatory Authority of Ireland be formally consulted in respect of granting alcohol licences in racecourses and racetracks (General Scheme of the Gambling Regulation Bill 2022; Public Health England, 2021).

46. PART 1 – PRELIMINARY AND GENERAL

a. Part 1 – Section 1 - Definition of a child

47. The term 'child' is defined under Section 2.(1) b as a person under the age of 15 years. This creates some ambiguity in relation to the protection of children and young people and the provisions under Parts 5 and 7 which refer variously to persons under 21 and persons under 18 and also use the terms 'child' and 'young person'. Clarity is needed on the position regarding children between 15 and 18 years on premises.

a. Part 1- Section 5 - Annual licensing court

48. 30 September is the assigned date for all renewals. There is a concern that assigning a single date for this process, could bring timeline and resourcing pressures to bear

on the examination of the matters relating to licence application for parties such as the Courts Service and Health Service Executive.

49. PART 2 – SALE OF ALCOHOL PROHIBITED WITHOUT LICENCE, REGSITER OF LICENCES AND MATTERS RELATING TO APPLICATIONS FOR LICENCES (Sections 7-18)

a. Part 2 - Sections 9 and 12 – Register of licences

50. The following additions are proposed in respect of information held on the licence register.

- Current and previous objectors and nature of objections
- Breaches of licensing law
- Breaches of health and safety and fire safety
- Number of other licences held by the applicants
- These additions are proposed for the purpose of
- Maintaining a clear record to assist parties in their assessment of the potential community impacts of granting/renewal of licences
- Providing an incentive for owners of licenced premises to deliver on their duty of care to provide a safe environment for staff, patrons and performers
- Provide useful information for those working to ensure compliance with health and safety and environmental health legislation

a. Part 2 - Section 10 – Eligibility for licences

51. The following addition is proposed in respect of eligibility for licence

- The applicant/licensee would demonstrate an understanding of alcohol harm and measures to minimise these harms on the licensed premises.
- This could be managed by way of an online module developed by the HSE to be completed prior to application or renewal.
- With regard to eligibility for a licence, the Bill specifies the holder of a bookmakers licence issued under section 7 of the Betting Act 1931. It is assumed that the wording will be updated commensurate with the new gambling bill.

52. PART 3 – RETAIL LICENCES (Sections 19-66)

53. 3.1 Part 3 - Section 21 - Determination on alcohol licences

54. Section 21 (1 (a) (iii)) Fire Safety

55. We note and welcome inclusion of fire safety standards under the Building Control Acts 1900 to 2014 as a requirement for determination of an alcohol licence.

56. Section 21 (1b) Grounds for objection – guidance on interpretation

57. It is our view that the criteria for grounds for objection, as listed below, are rather vague and that some further Guidance would enhance the interpretation of the criteria.

58. 21.b. list a criteria for grounds for objection:

b.(i) *Character, misconduct, and unfitness*

- b.(ii) *unfitness or inconvenience* of premises
- b.(iii) *unsuitability* of premises for the needs of persons residing
- b.(iv) *adequacy* of existing number of licensed premises

59. **Section 21 (1b) Grounds for objection** – inclusion of a public health criterion
60. It is also our view that specific criterion to protect public health should be added. A criterion similar to the Scottish framing should be considered to include:
 - i. *Protecting and Improving Public Health*
61. Licensing legislation in England, Wales and Scotland is underpinned by licensing objectives. In England and Wales, The Licensing Act 2003 is underpinned by four licensing objectives:
 - The prevention of crime and disorder
 - The protection of public safety
 - The prevention of public nuisance
 - The protection of children from harm
62. In Scotland, there is also a fifth objective:
 - The protection and promotion of public health
63. Guidance relating to this objective to include
 - i. *Promotion of low-risk alcohol guidelines*
 - ii. *Availability of non-alcoholic products*
 - iii. *Staff training: completion of online alcohol harm module*
64. **3.2 Part 3 – Section 3 – Chapter 3 – Declaratory procedure for new retail licences**
65. **Section 24 (1) (a) – the map provided with the application**
66. The ‘map’ defined in the Interpretations (p.26) is poorly defined at this time and make no reference to the spatial and locality measures within the Public Health Alcohol Act 2018. The map should be defined to incorporate existing licensed on/off trade premises; child centric facilities schools, sports club, playgrounds, public parks and transport infrastructure, and premises where gambling and betting occur. A *Section 20 notice* should also state the number of current court certificates/licences held by the applicant.
67. **3.3 Part 3 – Chapter 5 – section 31- 33 - Temporary transfer of licence on sale or assignment and new licence upon change of control of company**
68. While this application is necessary it is proposed that the application state why the transfer is required, and that the Executive is served notice.
69. **3.4 Part 3 – Chapter 7 – sections 36- 41 - Renewal of retail licences**
70. 30 September is the assigned date for all renewals. There is a concern that this will lead to a bottleneck bringing timeline and resourcing pressures to bear on the examination of the matters relating to licence application for parties such as the Courts Service and Health Service Executive. This is important in the context of those who do not renew – section 36.2. determines that a licence is considered

'suspended' until renewed. Section 38.4. states that a licence, not renewed, will only 'expire' after 3 years but it is not clear what operation is in place to ensure operations cease in suspension.

71. Section 39 (2) (b) Objection to renewal of licences

72. We recommend inclusion of a public health criteria – 39.2.b.(i):
- *The licensee has not protected or improved public health*
73. 39.2.b (iii) This section could incorporate criteria on the extent to which best practice is followed on the premises to minimise harm to customers/patrons, staff and performers relating to matters such as
- i. *On-premise Promotion of low-risk alcohol guidelines*
 - ii. *Availability of non-alcoholic products/free non queue water stations*
 - iii. *Annual Staff training: completion of online alcohol harm module*
74. Another approach would be to commit in the legislation that the activity be governed by Code of Conduct as proposed within section 25 of the Licensing and Registration of Clubs Act 2021 in Northern Ireland.
75. 39.2.b (iii)(I) & (II) establishes grounds for the Gardai and any person, objection.
76. We propose the addition of 'nuisance' or prevention of 'public nuisance' in this section.

77. 3.5 Part 3 – Chapter 8 – Court permits for Nightclubs

78. Section 42 - Application for court permit for nightclub

79. Under 42.2.(a)(i) an amendment is proposed to require that the Executive should be notified.

80. Section 43. Determination of application for nightclub

81. Assuming the Executive can be included as a notified party, we propose that the grounds for objection must include public health consideration (see comment on Section 21), and public nuisance (as per section 64.5)

82. Section 44. Conditions in relation to court permit for a nightclub

83. Outlines conditions to court permit for nightclub, which ensure a premises has CCTV system in place and the timing of such, as well as the need for security personnel to registered under Private Security Services Act.
84. We propose that additional detail is needed to specify that the CCTV system in place complies with the Irish Standard IS EN 50132-7 which sets guidelines for the operational criteria including the location of cameras, quality and testing of the system. Failure of an employer to comply with the data protection legislation in respect of CCTV footage recorded on or around the premises should be considered a serious matter and could be considered as grounds for objection in respect of licence application or renewal.
85. It is proposed that the local drug and alcohol task force be a named party in respect of nightclub licences in respect of sections 50, 51, 53,54, 55 and 64.

86. **PART 4 - AMENITY LICENCES**
87. **4.1 Chapter 1 – Sport arena licences, racecourse licences and race track licences**
88. **Section 67. Amenity licences: Sporting arena**
89. We propose that the Bill specify children’s events as it is our view that events primarily attended by children need separate consideration with regard to the licencing arrangements.
90. **Section 68 – racecourses/ racetracks**
91. In light of (a) imminent changes in gambling legislation in Ireland (b) compelling evidence of the co-existence of gambling and alcohol use disorder, and elevated risks of harm from gambling while intoxicated we propose that the new Gambling Regulatory Authority of Ireland be formally consulted in respect of granting alcohol licences in racecourses and racetracks (General Scheme of the Gambling Regulation Bill 2022; Public Health England, 2021).
92. **4.2 Chapter 3 – Sections 75 – 77 - Aerodromes and passenger aircraft**
93. Alcohol consumption pre-boarding and the potential risk of intoxication during flights may be affected by increased licensing hours in airports.
94. The proposed conditions applying to the granting of licences in airports and aircraft does not provide sufficient protection in the context of specific issues relating to passenger and staff safety aboard aircraft caused by alcohol related behaviour.
95. Occasions where passengers have been drinking before and during a flight presents a significant public safety issue for both airline staff and passengers. A national survey of nearly 5,000 flight attendants the Association of Flight Attendants found that over 85% of all respondents had dealt with unruly passengers as air travel picked up in the first half of 2021. When asked what they believed to be the cause or escalating reasons for the unruly behaviour, attendants cited that mask compliance, alcohol, routine safety reminders, flight delays and cancellations were common factors in unruly passenger interactions (Association of Flight Attendants, 2021).
96. **4.3 Chapter 3 – Sections 78, 79 and 80 - Stations, Carriage and Vessels**
97. The availability of alcohol within public transport waiting areas and on public transport requires careful consideration given the potential for anti-social behaviour resulting from excessive alcohol consumption. There are important public health issues relating to passenger safety, particularly for girls and women. We recognise the potential for intimidation and discomfort experienced by passengers and workers sharing public transport with person(s) who are intoxicated. An alcohol ban was introduced on all Transport for London services in June 2008 with an aim to reduce crime. Research by the Greater London Authority found that 87% of Londoners were in support of the alcohol ban. It was also reported to have had a significant influence on the number of assaults on Tube staff, with a 15% reduction reported between 2008 and 2011 (Institute of Alcohol Studies, 2017).
98. Consideration should be given to facilitating the company/operator, grounds to enhance their actions around alcohol related unruly behaviour e.g. Irish Rail.

99. 4.4 Section 82 - Objections to new amenity licence

100. It is unclear if these grounds are applicable all licences under Part 4. The criteria for grounds an objection should be those established from the outset - (see comment on Sct.21 and 43).

101. The IAA and relevant transport authorities should be formally consulted in respect of such an amendment (IAA, 2019).

102. 4.5 Section 86 – Objection to renewal of amenity licence

103. Objection to renewal of amenity licence are broader but are insufficient, as with Sct.43

104. PART 5 – PROHIBITED HOURS AND EXEMPTIONS

105. 5.1 Evidence relating to trading hours and public health outcomes

106. A rapid review of systematic reviews to investigate the potential impact of increased trading hours on levels of alcohol consumption and alcohol-related harm has been conducted (Reynolds, 2021). The database PubMed was searched for articles up to December 2020 and following a screening process, four systematic reviews were included (Popova et al. 2009; Wilkinson et al. 2016; Sanchez-Ramirez et al. 2018; Nepal et al. 2020). The results of individual reviews are included in the Appendix.

107. Overall, the results showed that extending alcohol trading hours lead to an increase in alcohol consumption but also some alcohol related harms such as:

- unintentional injuries
- hospitalisations
- emergency department visits
- ambulance attendances
- drink-driving offences
- road traffic collisions and fatalities
- crime
- assaults
- homicides.

108. The balance of reliable evidence suggests that extended late night trading hours leads to increased consumption and alcohol-related harms (Popova et al, 2009; WHO, 2009; Stockwell and Chikritzh, 2009; Wilkinson et al, 2016). Even small extensions of trading hours have been associated with increases in:

- Consumption of higher strength alcoholic drinks
- Assaults and injuries
- Drink driving
- Demand for policing in the early hours of the morning
- Resource demand related to changes in shift patterns of frontline workers

- Public disorder in the early morning
 - Late night/ early morning demand for health service response to alcohol-related harms.
109. A systematic review of evidence by Popova et al (2009) revealed that extended late night trading hours for certain licensed premises leads to increased alcohol consumption and alcohol-related harms. The review included an Australian study by Chikritzhs and Stockwell (2002) which found that higher volumes of high alcohol content beer, wine and distilled spirits were purchased in the licensed hotels during late trading hours.
 110. Additional opening hours were also found to impact on drink driving rates. A subsequent study found that later trading hours corresponded with a significant increase in monthly road traffic accidents (Chikritzhs and Stockwell, 2006). Further research by Chikritzhs and Stockwell (2007) examined the impact of extended trading permits (ETP) for licensed hotels in Perth, Western Australia on impaired driver breath alcohol levels (BALs) between July 1993 and June 1997. Male drivers aged 18-25 years and apprehended between 12.01 and 2.00am after drinking at ETP hotels had significantly higher BALs than drivers who drank at non-ETP hotels.
 111. Chikritzhs and Stockwell (2007) reported a significant increase (70%) in monthly assault rates for hotels with extended opening hours from 24:00 to 01:00 and this relationship was largely accounted for by higher volumes of alcohol sales. Evidence from a cohort study by Newton et al (2007) examined the impact of the UK Licensing Act 2003 on emergency hospital attendances. The authors found an increase in alcohol-related hospital attendees between 2005 and 2006 (before and after implementation of the Licensing Act). The proportion of alcohol-related assaults, which resulted in overnight hospitalisation, increased from 0.99% to 1.98%; alcohol-related injuries increased from 1.6% to 4.1% and alcohol-related hospital admissions went from 0.88% to 2.46%.
 112. The review by Popova et al. (2009) included a study from the Brazilian city, Diadema, which investigated whether limiting the hours of alcoholic beverage sales in bars had an effect on homicides and violence (Duailibi et al., 2007). Using a time-series analysis, the study found that restrictions on drinking hours led to a dramatic decrease in assaults against women, specifically (Duailibi et al., 2007).
 113. The WHO report on an evidence-based approach to alcohol policies noted that changing either the hours or days of alcohol sale can redistribute the times at which many alcohol-related road traffic accidents and violent events occur, at the cost of an overall increase in problems. Whilst 24-hour opening of licensed premises in Reykjavik produced net increases in police work, emergency room admissions and drink-driving cases, police work was spread more evenly throughout the night, but a change in police shifts was required to accommodate the new work (Ragnarsdóttir et al., 2002).

114. Following the introduction of 2003 Licensing Act in the United Kingdom, a study by Hough et al. (2008) found a 22% increase in crimes occurring between 03:00 and 06:00 demonstrating a shift in alcohol-related crimes until later in the night. Some evaluations of the Licensing Act 2003 showed little impact on the number of people treated for injuries sustained through assault (Bellis et al., 2006, Sivarajasingam et al., 2007), whilst other studies, such as the research by Newton et al. (2007) (highlighted above) demonstrated large increases in the number of night-time alcohol-related visits to accident and emergency departments.
115. In its report, the World Health Organisation (2009) concluded that “while extending the times of sale can redistribute the times when many alcohol-related incidents occur, such extensions generally do not reduce the rates of violent incidents and often lead to an overall increase in consumption with associated problems”. WHO also note that reducing the hours or days of sale of alcoholic beverages leads to fewer alcohol-related problems, including homicides and assaults.
116. The most recent systematic review of international evidence examines the impact of changes to trading hours of liquor licenses on alcohol-related harm between 2005 and 2015 (Wilkinson et al., 2016). Data from 21 studies found that reducing the hours during which on-licensed outlets can sell alcohol late at night can substantially reduce rates of violence. Increasing trading hours tends to result in higher rates of harm, while restricting trading hours tends to reduce harm. The Australian studies are supported by research from Norway, Canada, and the US, with the only exception being somewhat inconsistent findings from a relaxation of restrictions in England and Wales. The authors concluded that the evidence of effectiveness is strong enough to consider restrictions on late-trading hours for bars and pubs as a key approach to reducing late-night violence in Australia (Wilkinson et al, 2016).
117. In England and Wales, ten years after its implementation, an assessment of the impact of the Licensing Act 2003 was undertaken. This found that additional late night opening hours had shifted crime and disorder into the early hours. Police had to re-arrange shift patterns and allocate increased resources in response to the shift in drinking patterns and the movement of people in the night-time economy. (Foster and Charalambides, 2016). An evaluation by Hough et al. (2008) reported that no real change in alcohol-related crimes was found until 03:00, but a 22% increase in crimes occurred between 03:00 and 06:00, reflecting the shift in alcohol-related crimes into the early hours of the morning. Some studies reported little impact on the numbers of people treated for injuries sustained through assault (Bellis, 2006, Sivarajasingam et al., 2006), whilst other studies report increases in the number of night-time alcohol-related visits to accident and emergency departments (Newton et al, 2007). It has been suggested that a relaxation of licensing hours would bring about a more relaxed drinking culture as evidenced in Europe. According to Foster and Charalambides (2016) there has been no evidence that the Licensing Act 2003 in England and Wales has contributed to a relaxing ‘continental’ drinking culture developing, or that the Act has led to increased diversity within the night-time economy (two key aims of the Act).

118. A study examining police data for violent incidents and local authority data on licensed premises in Manchester between 2004 and 2008 identified little evidence that the deregulation of alcohol opening hours affected citywide violence rates. The authors note significant variability in the implementation of trading hours under the new regulations. They found that 67% of premises extended trading hours, 16% did not change their opening hours and 3% restricted trading hours. Only one premise acquired a 24- hour liquor licence. Analysis of total violence showed no evidence of any immediate, temporary, or delayed intervention effects. However, in reconciling these different perspectives, it is important to note that there was a significant increase (36%) in weekend violence between 3am and 6am (Humphreys and Eisner, 2012).
- 119. 5.2 Section 95 1.(a) a Exemptions for hotels and holiday camps**
120. The exemptions allow alcohol to be sold at any time, so long as it is to a resident, with the exception of some specified hours on Christmas Day.
121. It is our view that the unrestricted serving of alcohol in holiday camps is inappropriate given the high attendance of children in this setting. The provisions should be reviewed.
- 122. 5.3 Section 99 - Distance sales**
123. The extent of online alcohol purchases and receipt of alcohol deliveries by children and young people should be routinely measured within national childhood surveys such as the Health Behaviour in School-Aged Children (HBSC), Growing Up in Ireland (GUI) and European School Survey Project of Alcohol and Other Drugs (ESPAD).
- 124. 5.4 Section 101 - Occasional late hours order**
125. We propose that
126. the application process should include notification of the Executive
127. section 101.5(a)(ii) (I) should include 'public nuisance' (see earlier comment on 39.2.b).
- 128. 57.5 Section 105 - Occasional permit**
- a. The Executive should also be notified.
- 129. PART 6 – CONDUCT ON OR NEAR PREMISES**
- 130. Chapter 1 – General provisions**
131. In general, these relate only to 'remedial actions' for licensed premises in respect of people who are intoxicated or at risk but does not place any requirement on the premises to prevent drunkenness or introduce measures to protect individuals who are drunk and at risk, beyond not serving them more alcohol. The references to disorderly conduct and the duty of licensee to preserve order are somewhat vague and do not sufficiently cover the duty of care.

132. The provisions for not permitting gaming and betting (sections 113 and 114) on licensed premises are welcome – but note that this refers to the 1956 Gaming and Lotteries Act and will need to be updated with new gambling legislation. It is our view that the Gambling Regulatory Authority of Ireland should be notified of any offences under these provisions.
- 133. PART 7 - PROVISIONS RELATING TO PERSONS UNDER AGE OF 21 YEARS**
134. We propose that the Department of Children and Department of Health issue guidance on interpretation and impacts of
135. the exception of ‘explicit consent of the person’s parent’
136. Section 118.3 which states that a person shall not send a person under age to any place where alcohol is sold, etc for the purpose of obtaining alcohol
137. Section 120 (3) where it appears to the licensee concerned that the child’s presence in the bar could reasonably be regarded as injurious to his or her health, safety or welfare
138. Section 123 which allows a series of exemption to these rules: private function. Occasion, etc.
- 139. PART 8 – ENFORCEMENT PROVISIONS AND SANCTIONS**
- 140. 8.1 Section 135. Compliance Notice**
141. We propose that copies of such notices should be issued to the Executive and Revenue so that they have sight of such breaches.
- 142. 8.2 Section 138. Temporary closures of premises**
143. We propose an extension of the specified time periods as they will not act as sufficient deterrents (2 to 7 days first offence; 7-30 offences thereafter).
144. Temporary closure orders should, by law, be copied to the Executive and Revenue and report of all such incidents should be published annually, by Revenue.
- 145. PART 10 – REGISTERED CLUBS**
- 146. 9.1 Section 146 - Rules applicable to registered clubs**
147. The legislation should be amended to ensure no alcohol is available during children’s activities, or events, in such clubs.
148. There is also an opportunity to establish a rule of greater promotion of low-risk alcohol engagement perhaps by conspicuous display (protecting and improving Public Health criteria) in such venues.
149. Evidence shows that alcohol misuse is more common among young people and adults involved in sports than in non-sports playing children (Nelson and Wechsler, 2001; Martens et al., 2006; Khan et al., 2012). After considering demographics and other predictors of alcohol use, Mays et al. (2010) found that greater involvement in sports during adolescence was associated with faster average acceleration in problem alcohol use over time compared with those who were less involved. In a study carried out among male GAA players (n=936), O’Farrell et al. (2010) found that 75% had a score on the Alcohol Use Disorder Identification Test that indicated

harmful alcohol use. In addition, 87.6% reported one alcohol related harm. The GAA has initiated this research, but the problem is not limited to that sport. Similar results have been found for New Zealand rugby players (O'Brien et al, 2005), and US college athletes (Nelson and Wechsler, 2001). A systematic review of longitudinal studies, Khan et al. (2012), found that 80% of the studies showed a positive relationship between alcohol misuse and sport participation.

150. It is our view that the primary focus of sports clubs is the promotion of the health and wellbeing of its members and that the sports club remains a community asset to support active and healthy lives. There is the potential for a lack of congruence between alcohol licensing legislation and the core functions of sports clubs to promote health, community, and social development.
151. Alcohol is already deeply engrained in sporting culture in Ireland. Given the high levels of alcohol consumption in Ireland, particularly heavy episodic drinking. If events are organised for children and young people, the time and restrictions around such events should reflect what is appropriate for this age group.
152. **9.2 Sections 148/152. Application; 150/153. Determination**
153. Previously stated consideration from PART 3 on licence Application/Determination and Consideration, apply here too.
154. **PART 12 – OFFENCES GENERAL**
155. **10.1 Section 183 - Conviction after 5 years not to increase penalty**
156. This provision allows a previous guilty party's record to be essentially cleared after five years so as not to be considered when apply new fines. Five years could be construed as too short a timeframe
157. **PART 13 – MISCELLANEOUS**
158. **13.2 - Section 189 Fees**
159. There is a need for enhanced clarify on the fee regime. It is important that the fee charge to any licence reflects the harm associated with the product sold. These fees annually run to somewhere around €10m, which the Court Service/Revenue hold. These could be more and ringfenced for Preventative Programmes to reduce alcohol harm and awareness of low-risk drinking guidelines, particularly in clubs.

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Appendix

Table 1. Review level evidence of the relationship between alcohol licensing and alcohol harms.

No of papers included/Search dates	Eligibility/inclusion criteria	Main results	Comments
Popova et al. 2009: Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A systematic review.			
58 studies <ul style="list-style-type: none"> 44 on density of alcohol outlets 15 on hours and days of sale 	Studies were excluded if: There was no assessment of the impact of an intervention or dependent variable. There was not sufficient information on the key variables, such as density of outlets or hours or days of sale. It was a meta-analysis or systematic review. The studies that were published in iteration. If the articles were available in abstract form only. The available literature was searched from January 2000 to December 2008, in reference to the publication date.	The majority of studies reviewed found that: <ul style="list-style-type: none"> Alcohol outlet density and hours and days of sale had an impact on one or more of the three main outcome variables: overall alcohol consumption, drinking patterns and damage from alcohol. Conclusions: <ul style="list-style-type: none"> Extended late night trading hours for certain licensed premises leads to increased consumption and alcohol-related harms Restricting availability of alcohol is an effective measure to prevent alcohol-attributable harm. 	Did not assess any aspect of quality in the studies. Large and comprehensive but the studies summarized in this paper reflect a range of methods and data resources, including archival data on alcohol sales and AOD, mortality and morbidity statistics, and survey data. In some studies, a cross-sectional design is evident, while others employ a longitudinal design. There are some that involve a quasi-experimental design, such as data collected before and after an intervention, or use a comparison site or population. Each of these types of studies carry their own limitations and causal linkage or causal direction cannot be inferred. Many of the studies included did not account for other changes happening at the same time as licensing changes.
Stockwell and Chikritzhs 2009: Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking.			
14 studies	The review specifically focused on studies that investigated the effects of changes to hours and days of sale affecting on-premise drinking (that is, pubs, clubs, restaurants, and nightclubs).	<ul style="list-style-type: none"> Only 14 of the 49 studies identified included both baseline and control measures. Eleven of the 14 studies reported at least one significant outcome indicating adverse effects of increased hours or benefits from reduced hours. The type and quality of measures used varied, the most common including road traffic crashes/impaired driver offences; emergency department (ED) attendances; interpersonal violence and disorderly conduct. Other less frequently used measures included self-reported alcohol consumption; alcohol sales data; blood alcohol concentrations (BACs); liver cirrhosis; alcohol dependence; alcohol psychosis and dependence; pancreatitis; self-poisoning; admissions to sobering-up shelters and women's refuges.	Not strictly a systematic review. Studies by the alcohol industry were not included. There was huge heterogeneity in study design, outcome measure and statistical treatment of the data with few studies of high quality. However, the studies included did have strong and consistent alcohol-specific measures that reliably reflect local alcohol consumption (for example, objective alcohol sales data, assaults in and around licensed premises, BAC-positive road traffic crashes); careful consideration of potential confounders (for example, other concurrent policy changes/interventions, such as responsible beverage service, enhanced police activity, potential redistribution/mobility of drinkers between regions and drinking locations) with solid attempts to control for these in statistical analyses.

Wilkinson et al. 2016: Impacts of changes to trading hours of liquor licences on alcohol-related harm: a systematic review 2005–2015.*

21 studies	Systematic review of the literature that considered the impact of policies that extended or restricted trading hours. Databases were searched from January 2005 to December 2015. Articles were summarised descriptively, focusing on studies conducted in Australia and published since the previous reviews.	<ul style="list-style-type: none"> • Australian studies demonstrate that reducing the hours during which on-premise alcohol outlets can sell alcohol late at night can substantially reduce rates of violence. • The Australian studies are supported by a growing body of international research. 	Did not assess risk of bias in studies. In several cases, studies that used a before and after design did not collect information on how widespread the actual implementation of permitted extensions in closing times was. There may have been little change in the availability and consumption of alcohol. Many studies did not include control sites or measures, meaning impacts could be related to factors other than the change in trading hours.
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Sanchez-Ramirez and Voaklander 2017: The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review.

26 studies	Studies that investigated the impact of policies regulation alcohol trading times in alcohol-related harm published between January 2000 and October 2016 in English language were included.	Results support the premise that policies restricting times of alcohol trading and consumption can contribute to reduce injuries, alcohol-related hospitalisations/emergency department visits, homicides, and crime. Although the impact of alcohol trading policies in assault/violence and motor vehicle crashes/fatalities is also positive, these associations seem to be more complex and require further study.	Main issues – no control groups and confounding present in studies as well as a lack of generalisability of studies included. Did not assess the risk of bias in studies. Included studies that did not control for changes other than policy/licensing changes that occurred at the same time. Generalisability of some studies included is lacking.
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Nepal et al. 2020: Effects of Extensions and Restrictions in Alcohol Trading Hours on the Incidence of Assault and Unintentional Injury: Systematic Review

22 studies <ul style="list-style-type: none"> • 15 evaluated extensions, • 6 evaluated restrictions, • 1 evaluated both 	Studies were eligible if (a) the design was randomized, or nonrandomized with at least one control site/series; (b) the intervention evaluated extensions or restrictions in trading hours at on- or off-license premises; and (c) the outcome measures were assault, unintentional injury, traffic crash, drink-driving offenses, or hospitalization. Considered publications up to December 31, 2018.	Extending trading hours at on-license premises was typically followed by increases in the incidence of assault, unintentional injury, or drink-driving offenses. Conversely, restricting trading hours at on- and off-license premises was typically followed by decreases in the incidence of assault and hospitalization. Conclusion: This review augments existing evidence that harm typically increases after extensions in on-license alcohol trading hours. It provides new evidence that alcohol-related harm decreases when on- and off-license trading hours are restricted.	Very good review that takes into account the risk of bias in individual studies unlike the other systematic reviews available on this topic. It used the Cochrane Effective Practice and Organization of Care (EPOC) framework. No restriction on language. Effect-size estimates were provided. One of the most comprehensive and robust reviews available.
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No conflicts of interests declare in four out of the five reviews. *One of the authors declared that he is an unpaid board member of the Australian Rechabite Foundation, a charitable trust that supports research and community projects that aim to reduce alcohol-related harm. Cannot find any links to industry.



Submission to Oireachtas Joint Committee on Justice

Sale of Alcohol Bill 2022

The National Transport Authority would like to bring the attention of the Committee to the possible impact of Section 89 (Prohibited Hours Generally) of the Sale of Alcohol Bill 2022 if enacted.

The proposed general prohibited hours of 12:30am to 10:30am is an effective extension of the opening hours of licensed premises in the evening by one additional hour.

Historically the timetable for the provision of urban public transport services aligned with the opening hours of licensed premises at 11:30pm. While some services are provided later in the evening, the majority of public transport services terminate in our cities at or before 11:30pm. I acknowledge that outside of the cities the public transport services can terminate at much earlier hours.

The National Transport Authority is supportive of the ongoing development of the Evening and Night-time economy and is working closely with the relevant departments and stakeholders to provide an appropriate level of public transport services during the night to support those availing of social and cultural activity and to support those working in those industries.

The BusConnects networks for Dublin and Cork support the provision of 24-hour bus services on key routes on a seven day basis. The design of the Galway and Limerick network of bus services are currently underway with Waterford scheduled for redesign in 2023. The provision of 24-hour bus services will be considered in those redesigns.

BusConnects Dublin implementation is underway and to date ten 24-hour 7-day bus services have been provided in Dublin while maintaining the weekend Nitelink services on other key routes. Further 24-hour services will be provided over the next few years if the current shortage of driver resources in the industry is eased. In Cork it is planned to provide an additional 24-hour service to support the service 202 that is currently provided.

If the extension of the general opening hours of licensed premises to 12:30 is enacted, the Authority will have to re-examine the timetables of bus and other public transport services to see whether it is possible to extend a proportion of these services to later operating hours in our cities,

what the impact of those extensions would be on the transport operators and their staff and what the cost to the Exchequer would be to provide any additional operating hours beyond the current schedules.

The Authority is not just focussed on the provision of services in urban areas but is also working to provide an appropriate level of services in towns and rural areas through its Connecting Ireland programme. The demand for late-night transport services in rural Ireland is more difficult to meet with appropriate services but the Authority continues to examine innovative solutions in the provision of bus, taxi and hackney services across the country to meet the demand.

National Transport Authority

2nd December 2022

ICBI SUBMISSION ON THE GENERAL SCHEME OF THE SALE OF ALCOHOL BILL, 2022

The Independent Craft Brewers of Ireland (ICBI) represents Irish Microbreweries.

The ICBI is one of a very limited number of trade organisations in the food and beverage sector in Ireland which entirely represents the interests of genuine micro and small enterprises.

Submission to Joint
Oireachtas Committee on
Justice, December 2022

INTRODUCTION

The Independent Craft Brewers of Ireland (ICBI) welcomes the opportunity to make a submission to the Joint Committee on Justice. The aim of the Bill in simplifying and streamlining the laws is broadly in line with our sentiments.

We are pleased to see a number of sensible measures including the move to the district court for the purposes of attaining a relevant court certificate, the abolishing of the anti-competitive extinguishment requirement, the standardisation and extensions of opening times including the removal of Sunday restrictions, as well as the abolition of the discrimination against indigenous beer favoured by wine only licences.

As an organisation that is focussed on representing small businesses operating within and contributing to their local communities, we do remain concerned however, that many of the restrictions remaining in place will continue to provide a significant barrier to market for our indigenous microbreweries.

This Document

Comments in this document follow the sequence of heading numbers in the Sale of Alcohol Bill on matters which are most relevant to the production and selling of beer.

PART 2: SALE OF ALCOHOL PROHIBITED WITHOUT LICENCE, REGISTER OF LICENCES AND MATTERS RELATING TO APPLICATIONS FOR LICENCES

11: Licence must specify licensed premises, etc.

Small manufacturers of craft beer should be able to extend their licence to occasional events such as local markets or fairs. This is a traditional route to market for nearly all Irish producers and supports the local community. These are then local events from which craft breweries are excluded.

We initially reviewed the Cultural amenity licence section of the bill, however the scope appears to be too limited and as these would be occasional events, the event organisers would likely not have the means or desire to go through the complications and expense of



gaining a court certificate. The ICBI believes that their licence should permit them to sell closed containers at fairs or local markets alongside their cheesemaking, baking and vegetable growing colleagues keeping within appointed retail hours for off-sales.

PART 3: RETAIL LICENCES

20: Application for court certificate for new retail licence.

We note that “The Court shall not accept an application for new retail licences for wine off-licences, wine on-licences... on commencement of this section”

The current licence available to sell wine only either on or off premises – known as a “Wine Retailers On Licence” was based on the REFRESHMENT HOUSES (IRELAND) ACT 1860.

However, flawed and quite clearly outdated and irrelevant to modern living that the act is on which this licence is based, it can be gained without a court visit which is one positive aspect. Revenue then notifies An Garda Síochána and the district Court Clerk and a 30-day waiting period follows to allow for any objections.

On gaining this licence type, a premises could then go on to apply for a “restaurant certificate” which would allow the licensee to sell beer, but only with a meal, unlike the wine which could be sold either on or off premises with no stipulation for a meal. The ICBI has always been concerned at beer being discriminated against in this manner.

The ICBI would be disappointed if a similar limited type of licence for small cafés were no longer available, but would strongly argue that that if a similar licence type does continue that it also allows for the sale of beer in the same fashion as that of wine.

21: Determination of application for court certificate for new retail licence

ICBI is pleased to see the move towards a removal of the extinguishment requirement. Current laws are entirely anti-competitive and inappropriate. A particular negative aspect for craft breweries is that the extinguishment requirement has allowed for the continued monopoly in place by large drinks companies.

Restricting the number of licences artificially raised the price of opening bars. Furthermore,



due to the cost it encouraged newer premises to be larger to recoup the cost of the licence and limits new entrants into the industry, particularly relevant to small, rural communities Overall, ICBI maintains that licences should be available on the free market and should be determined by whether the licence holder is fit and then whether a community or area can commercially support the business.

Further, the association of a costly licence with a premises also artificially inflates the cost of a premises and discourages repurposing.

It is unacceptable that a situation exists that a licence issued by the state should be traded as a commodity as such we welcome the dissolution of this practise for publican's licences but believe the practise should cease for all licence types including off licences where the checks and balances in place in the application system could prevent the issuing of unsuitable licences / limit availability where necessary.

PART 5: PROHIBITED HOURS AND EXEMPTIONS

89. Prohibited hours generally

The normalisation of opening hours where a Sunday was previously treated differently is a practical measure and one more in line with modern living and a diverse culture. The ICBI does not have a very particular issue with the overall limiting of trading hours dependent on licence category, we note however that we do overarchingly believe that individual premises should be allowed to define their own hours of operation and meet the needs of their customers.

Licences for primary manufacturers of Alcohol dealt with below in Part 11 should be tied to standard trading hours.

PART 11: PRODUCER'S LICENCES, WHOLESALE'S LICENCES AND METHYLATED SPIRITS LICENCES



171. Producer's licence.

The ICBI believe that microbreweries should be allowed to sell their beer produced on their premises regardless of whether the transaction is “wholesale”.

Manufacturers of craft beer should be able to sell their own product at their premises under a Producer’s Licence. At minimum, the producer’s licence should de facto extend to off-sales.

Manufacturers of beer should also be able to extend their licence to occasional events such as local markets or fairs.

172. Producer's retail licence.

The ICBI very much welcomed the spirit of the introduction of the producer’s retail licence types in 2018 and the overwhelming support of microbreweries from both government and opposition TDs at the time of the passing of the Intoxicating Liquor (Breweries and Distilleries) Act 2018. However, given the opportunity for change which this Bill represents and the very poor uptake of these licences for microbreweries (because of their significant limitations and the associated legal and professional costs involved in obtaining the licence), the ICBI; as outlined above, believes that a manufacturer’s licence should entirely cover off-sales at a minimum and should also allow for a simple extension to on-sales of products manufactured by the producer, or an easily available bar on-licence, subject to suitability of premises and the fitness of the licensee.

This being said we also recognise the need for streamlining of all licence types and for the existence of a level playing field for sellers of alcohol and as such if there is an absolute determination to require a court certificate for ALL retail licence holders then we would propose some changes to the Producer’s Retail Licence.

The ICBI has recommended under heading 89 that hours of opening should be streamlined. As there is no particular need for the starting hours to be different from the starting hours for all other premises and so in the spirit of cohesion in in licensing laws, would suggest an amendment of opening times to 10:30am.



We disagree with the restriction of hours to 7pm and see no reason why they should differ from any other licence and suggest that they are matched to new proposed off licence hours of 10:30am to 10pm.

Take the example of a group event such as a work social or indeed any type of group occasion where the premises would then be unable to host with proposed restrictions.

The requirement for a tour should be removed entirely.

It appears that this distinction is still in place for on and off licence types in all but name only given the requirement to specify to court whether for on or off sales - as such the licence type appears simplified and condensed but is in fact not.

The ticket requirement is simply a carrying on of what can only be described as a silly requirement. If the purpose of the bill is to move away from archaic meaningless requirements then this section is not in keeping.

176: Application for renewal of licence issued under this Part

The process of application is unduly expensive predominantly due to often unnecessary requirement for legal representation, we would be hopeful that the requirements for costly legal and professional fees will be negated by the move to district court and that reasonable proofs will be accepted without the need to hire architects as witnesses for plans etc.

The ICBI continues to advocate that Court appearances should not necessarily be required to gain a licence at all and most particularly in the case of off-licence applications.

The experience of the current online renewal system and payment methods is entirely satisfactory. We are of the opinion that required proofs could easily also be submitted online using this system and that an approval period could be in place.



Thank you for your attention to our submission. We are happy to provide any further details or information as required.

[VISIT ICBI WEBSITE](#)



From: jim waldron
Sent: Friday 2 December 2022 15:32
To: Justice <justice@oireachtas.ie>
Subject: Submission on behalf of NPHTA

Hi and Thank you for inviting the National Private Hire and Taxi Association (NPHTA) to submit our views on the new licensing laws/regulations.

The NPHTA are the largest representative body representing small public service drivers throughout Ireland.

Integrated transport is essential to opening pubs for longer hours. All public transport responsibilities should not fall on the shoulders of taxi drivers when pubs close.

It is our opinion that staggering the closing times of premises in the city will spread more evenly the demand for taxis over Four hours rather than two as is the case at the moment. This could mean a more comfortable wait as there Taxi arrives. The customers can stay inside and wait rather than go into the streets.

Please note many interactions between taxi drivers and customers that turn nasty are usually fuelled by alcohol or illegal substances.

We would welcome enforcement of laws preventing people from consuming alcohol in public spaces particularly during the extended opening hours.

We would recommend off licence premises not be allowed open after midnight till nine next day.

Better policing will be required to deal with those that over indulge.

We believe landlords and nightclubs must take further responsibility to prevent customers use this time to consume to much alcohol.

We request the soiling charge for passengers who urinate or vomit in taxis presently one hundred and forty euros be increased to two hundred euros and this should be included in any changes of law.

On behalf of NPHTA Jim Waldron

Liquor Licence Transfers
6 – 9 Trinity Street,
Dublin 2

Joint Committee on Justice
Leinster House
Dublin 2.

Sent via Email to: justice@oireachtas.ie

2nd December 2022

Submission on the General Scheme of the Sale of Alcohol Bill

Dear Members,

Following correspondence with the VFI, they have suggested that I make a submission on this matter.

Who We Are:

We specialise in the brokerage of liquor licences, 7 Day Ordinary Publican's licences and Spirit's & Beer Retailers's off-licences. We deal with both the owners of licences and also people who are seeking to acquire licences and open premises on a daily basis.

Views on the Proposed Legislation Changes (Only Dealing with Extinguishment):

1. We remember when an existing licence for extinguishment cost in the region of €175/180,000. The market has changed significantly and now licences change hands for the in the region of €55/60,000. This in turn means that it is much more affordable to acquire a licence now rather than 10/15 years ago. The ramifications of this is that it is much more affordable to open a new licensed premises now than it would have been 10/15 years ago.
2. It appears that many people are of the view that the present extinguishment mechanism prohibits the opening of new licensed premises particularly public houses. We are of the view that this is totally incorrect. With this in mind, I would like to draw your attention to the prominent Press Up Hospitality Group who have opened numerous new licensed premises including hotel's, bars and cinemas etc across the country. They have secured the properties, got planning permission in place, developed them and acquired existing licences for extinguishment. This process worked seamlessly and there were no issues or delays in securing licences for extinguishment.
3. In our view, considering that licences for extinguishment have got significantly more affordable in recent years, we do not believe that this works as a significant barrier to entry for people entering the sector. Indeed we feel that retaining the extinguishment element will assist in ensuring that professionally run operator's

operate within the sector. In turn, it will assist in keeping unprofessional operators out of the sector who have no significant funding behind them.

4. As is commonly known, numerous rural pubs have closed in the last two decades, there are many reasons for this including a cultural change in society. In our view removing the extinguishment element for a licensed premises will NOT assist in opening new licensed premises in rural Ireland. In fact, numerous rural licensed premises remain in rural Ireland and these premises should be encouraged to remain open rather than the approach taken in this proposed legislation.
5. Many rural pubs that have closed in recent years have sold their licences and used the funds to redevelop the property and put it into flats/apartments. We have real market examples of this all over the country from Dublin to Mayo to Kerry. This is assisting in the delivery of rental accommodation that is badly needed. This is assisting in bringing life back into our rural villages and towns around the country by moving people into these rural villages and towns. If the legislation comes in as proposed then this would cease and many rural publicans would not have the funding to redevelop the property and convert it into residential accommodation.
6. I would ask the committee to seriously consider all of the above points that we have raised and amend the proposed legislation and ensure that the extinguishment provision remains for both the on and off-trade.

Should you have any queries in relation to this matter then please feel free to call us.



Ross D'Arcy

Email: ross@liquorlicencetransfers.ie

SALE OF ALCOHOL BILL 2022

Submission: To Oireachtas Committee on Justice

Purpose: Irish Community Action on Alcohol Network seeks to be heard before the Oireachtas Committee on Justice as part of the process of pre-legislative scrutiny of the proposed Sale of Alcohol Bill (2022).

Prepared by: Paula Leonard, Irish Community Action on Alcohol Network, Alcohol Forum Ireland

Date: 2.12.22

General comments

The Irish Community Action on Alcohol network and Alcohol Forum Ireland welcome the proposed streamlining of alcohol licensing laws and believes that this is long overdue. Consolidation of alcohol licensing law in Ireland will make the law more accessible to a range of stakeholders including communities, licensees and An Garda Síochána. The Department's commitment to modernising alcohol licensing law also creates an important opportunity for Government to deal with issues that a place-based and outdated licensing code has failed to keep pace with, for example the emergence and proliferation of drink delivery services.

Background

The Irish Community Action on Alcohol Network (ICAAN), which is supported by Alcohol Forum Ireland, was formed in 2017 to support and promote the ongoing development and expansion of community action on alcohol in Ireland. The network currently comprises members of 14 Regional and Local Drug and Alcohol Task Forces and is a space for communities to come together to network, share learning and work collectively on issues of common concern. ICAAN is the only network in Ireland working with communities at the grass roots levels to prevent and reduce alcohol harm and we have been actively advocating for changes to the licensing code now for a number of years. We have been encouraged by the commitments made by both Minister Humphrey and Minister McEntee that consultation with communities would be an important part of the debate around the proposed Sale of Alcohol Bill.

ICAAN has been leading the way in both advocacy and education around the issue of alcohol licensing law in Ireland for a number of years. In November 2017, we hosted a National Roundtable discussion on alcohol licensing attended by representatives of several Government Departments, the Law Reform Commission and a number of statutory bodies. The Roundtable report highlighted concerns regarding underage serving, drink deliveries, underage events on licensed premises and the need to modernise the licensing system and include a public health objective in the licensing code.

Also in 2017, ICAAN published 'A Community Guide to Alcohol Licensing Law' (by Barrister Sara Tracey) a resource designed to support communities in their work around reducing alcohol harm. In 2019, we partnered with ATU Donegal (formerly the LYIT) to develop a specialist Certificate in Alcohol Licensing Law (Level 7) which has been rolled out successfully with Gardai and local and regional drug and alcohol Task Forces. Recruitment is underway for the third iteration of this Barrister led course which will be updated to include an overview of the proposed Sale of Alcohol Bill.

We have been pro bono clients of the Voluntary Assistance Scheme in the Bar Council of Ireland since 2020 and, in relation to our advocacy work around alcohol licensing, have received ongoing legal support from a team of Barristers, including Ireland's leading licensing law expert, Snr Counsel Constance Cassidy. Through

this work we have been advocating for changes to the legislation to allow for better regulation of drink deliver services. In 2021, we organised seven briefing sessions for Oireachtas members relating to our campaign for the regulation of drink delivery services. In addition, we have also organised professional training for the legal profession on alcohol licensing law in Ireland.

ICAAAN's commitment to hearing the voices of Communities: REDC Research Nov 2022

All of the work of the Irish Community Action on Alcohol network is underpinned by a commitment to consulting with and creating spaces for the voices and concerns of communities to be heard in decision making processes relating to alcohol policy. In addition to ongoing and comprehensive consultation with regard to alcohol licensing with communities, in November ICAAN commissioned REDC to undertake research on the attitudes of people in Ireland towards the proposed changes to alcohol licensing. REDC interviewed a random nationally representative sample of 1,006 adults aged 18+ online, between 18th and 23rd of November 2022, in relation to personal alcohol consumption habits as well as their attitudes towards alcohol licensing regulations and the proposed changes to the General Scheme of Sale of Alcohol Bill (2022). Interviews were conducted across the country and the results weighted to the known profile of all adults. The results of this research are included in this submission and reflect some concerns that we recommend are addressed during the phase of pre-legislative scrutiny.

59% of people who responded to the REDC poll agreed with the statement that 'the changes proposed to the licensing laws are very significant & there needs to be a wider public consultation to ensure the public understand what the changes will mean'

Structure of this report

The following section of this submission takes three of the areas covered in the General Scheme of the Sale of Alcohol Bill, highlights the REDC research responses where appropriate, outlines the evidence ICAAN recommends needs to be considered and finally outlines ICAAN's recommendations with regard to these areas. The three key areas as they related to the legislation that we have outlined are 1) Nightclubs and late bars, 2) Distance sales of alcohol and 3) Provisions relating to persons under 18 years of age. In addition, we have included one further relevant heading relating to an issue which is currently not provided for in the legislation, namely the need for license holders to share data on the volume of alcohol sales.

1) NIGHTCLUBS AND LATE BARS

PART 3 of the Bill Chapters 8—11: Covers permits for Nightclubs provides for licenses for nightclubs to serve alcohol until 5am

Part 3 of the Bill Chapter 12: Covers Court Permits for Late Bars and makes it easier for license holders to apply annually for a license for a late bar which permits late bars to serve alcohol up to 2.30am.

REDC responses to proposed extension in hours for nightclubs and late bars

- 74% of respondents agreed with the statement that 'it is vital that any proposed extension to the sale of alcohol licensing is accompanied by plans to put in place & fund additional services such as

Gardai on patrol, ambulance services etc. which will be needed to cover the additional consumption hours'

- 59% agreed with the statement that 'The changes proposed to the licensing laws are very significant & there needs to be a wider public consultation to ensure the public understand what the changes will mean'
- 51% agreed with the statement that 'Extending the hours at which alcohol can be sold (in pubs, late bars and night clubs) will have a negative impact on public health, public safety & public order'
- 50% agreed with the statement that 'The proposed changes will help to provide more opportunities for businesses in cultural & hospitality sector'
- 42% agreed with the statement that 'The proposed changes will entice new entrants to the pub & nightclub sector, helping the economy grow'

ICAAAN response

The European Framework For Action on Alcohol (2022-25) has recently been adopted by EU Member States including Ireland and has identified addressing the 'availability' of alcohol as one of six priority areas for governments and policy makers. It recommends 'Restrictions on the number and density of outlets, days and hours of sale, and outdoor drinking' and the background supporting documents clearly outline the evidence that supports limiting the hours of sale as a way of preventing and reducing alcohol harm at a population level.

Several scientific reviews have concluded that restricting the hours when alcohol may be sold is an effective strategy for reducing excessive alcohol consumption and related harms. Papova et al carried a systematic review of research studies published between 2000 and 2008 focusing on availability of alcohol, hours and days of sale and density of alcohol outlets. Forty-four studies on density of alcohol outlets and 15 studies on hours and days of sale were identified through a systematic literature search. The majority of studies reviewed found that alcohol outlet density and hours and days of sale had an impact on one or more of the three main outcome variables, such as overall alcohol consumption, drinking patterns and damage from alcohol¹.

A study in 18 cities in Norway demonstrated that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime². Around-the-clock opening in Reykjavik produced net increases in police work, emergency room admissions and drink-driving cases. The police work was spread more evenly throughout the night, but a change in police shifts was necessitated to accommodate the new work³. A study in Western Australia showed that extending opening hours from 24:00 to 01:00 increased violent incidents at the late-night venues by 70%. The increased problems associated with the late-trading venues appeared to result from increased alcohol consumption rather than increased opportunity for crime to occur, since there was no apparent difference between the two groups after controls for alcohol sales. The BACs of drivers in road crashes who had been drinking at the extended trading premises were significantly higher than those drinking at the control premises⁴.

There is also evidence that restricting days and hours of sale reduces problems. In the Brazilian city of Diadema where homicide is a leading cause of death, local policy measures were introduced which included a new licensing law in 2002 prohibiting on-premises alcohol sales after 23:00. To evaluate the effect on

¹ Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Popova S, Giesbrecht N, Bekmuradov D, Patra J, Alcohol Alcohol. 2009 Sep-Oct; 44(5):500-16

² The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. Rossow I, Norström T. Addiction. 2012 Mar;107(3):530-7. doi: 10.1111/j.1360-0443.2011.03643.x. Epub 2011 Nov 29. PMID: 21906198

³ Effect of extended alcohol serving hours in Reykjavik, Iceland. Ragnarsdóttir T, Kjartansdóttir A, Davídsdóttir S. In: Room R, ed. The effects of Nordic alcohol policies. Helsinki, Nordic Council for Alcohol and Drug Research, 2002:145-154 (NAD Publication 42).

⁴ The impact of later trading hours for Australian public houses (hotels) on levels of violence. Chikritzhs T, Stockwell TR. Journal of Studies on Alcohol, 2002, 63:591-599.

restricting alcohol availability, data from the local police archives on homicides and assaults were analysed. Models were adjusted for contextual conditions, municipal efforts and law enforcement interventions that took place before and after the closing-time law was adopted. The introduction of a limit on opening hours resulted in a significant fall of 44% in the number of murders after the new closing time of 23:00 was introduced⁵.

ICAAN recommend

- 1) Retention of the requirement that license holders must apply on a monthly basis to the Court for a late license for a specified number of nights. This will mitigate the risk that a closing time of 2.30am does not become the norm in pubs and bars.
- 2) No extension to the hours currently stipulated in legislation at which alcohol can be sold in nightclubs.

2) DISTANCE SALES OF ALCOHOL

Part 5, Chapter 1 makes a number of references and provisions with regard to the 'distance sales of alcohol'

REDC responses

ICAAN commissioned a REDC on attitudes towards alcohol licensing in 2020 and again in November 2022. In both, three of the same questions were included with regard to drink delivery services. There is a noted increase in people saying they feel there should be stronger regulations for these services, as well as expressing concern over how these can potentially facilitate underage drinking.

- 76% of people agreed with the statement that the 'Same regulations that apply to the sale of alcohol in store should also apply to the sale of alcohol online or over the phone' (down from 79% in 2020)
- 66% of people agreed with the statement that 'There needs to be greater enforcement in relation to the unlicensed online drink delivery services that are advertising 24-hour drink delivery services in many parts of the country (new question in 2022)
- 65% of people agreed with the statement that 'There should be stronger regulations in place for alcohol delivery services from licensed premises' (up from 57% in 2020)
- 63% of people agreed with the statement that 'I am concerned that unregulated online/over the phone sale of alcohol is facilitating underage drinking' (up from 54% in 2020)

ICAAN response

ICAAN welcome the references and improved regulation of distance sales of alcohol in the proposed legislation provided for in the General Scheme of the Sale of Alcohol Bill. ICAAN has been afforded expert legal counsel through the Voluntary Assistance Scheme in the Bar of Ireland and, in summary, the expert legal opinion provided concludes that the current legislation is 'inadequate' to regulate drink delivery services in Ireland. The General Scheme of the Sale of Alcohol Bill does not adequately address the loopholes and risks in the existing licensing and regulatory regime.

ICAAN recommends

- 1) Need for a clear definition of distance sales / drink deliveries** in licensing legislation, this should include clarity around 'point of sale'. The current legal requirement that alcohol must be paid

⁵ The effect of restricting opening hours on alcohol related violence. Duailibi S et al. American Journal of Public Health, 2007, 97(12):2276–2280.

for, and the sale completed prior to dispatch renders it very difficult for a licensee to ensure that the person to whom alcohol is sold is not in an intoxicated state at the time of sale or delivery. Prohibition of the sale of alcohol to intoxicated persons is a common feature of liquor licensing in many countries. In Ireland, Section 4 of the Intoxicating Liquor Act (2003) prohibits a licensee to 'supply or permit any person to supply' alcohol to a drunken person. However, the fact that currently alcohol must be sold and paid for before it leaves the licensed premises makes this licensing objective difficult to achieve in practice.

- 2) **Introduction of a new category of license** for those engaged in drink delivery processes. The introduction of a new category of license should also define under what circumstances delivery persons are permitted to act as agents of the license holder and what the legal responsibilities of these agents are under the licensing code. Currently many delivery services (eg Deliveroo, JustEat) don't have any category of license for the sale or supply of alcohol, but regularly deliver alcohol to private residences with food. Again, the requirement to not 'supply or permit any person to supply' alcohol to a drunken person or a person under the age of 18 needs to be clarified both for license holders and agents of the license holders. A new category of license could also define regulations in relation to record keeping, and limits on volume of alcohol sold for delivery.
- 3) **Introduction of robust age verification requirements** for purchase of alcohol through drink delivery services, this should include age verification at the point of sale and the point of delivery. The current regime makes it impossible for a vendor to accurately verify the age of a purchaser in-on line or over the phone transactions, leaving the system open to abuse by unscrupulous vendors, and potentially facilitating an increase in underage drinking
- 4) **Introduction of specified hours** of both sale and delivery of drink delivery services.

Online alcohol sales are experiencing rapid growth, accelerated by the COVID-19 pandemic. A recent systematic literature review and policy review of 77 jurisdictions including Ireland found that regulation of online sale and delivery of alcohol varies widely, and most regulations may be insufficient to prevent youth access.⁶ Research in other jurisdictions has demonstrated that online and over the phone retailing of alcohol is used by young people to bypass age verification checks.⁷

In 2012, the Report of the Steering Group on the National Substance Misuse Strategy stated that it was concerned 'with the practice of distance sales of alcohol....as there is anecdotal evidence that young people of less than 18 years of age are purchasing alcohol this way'.⁸ The Steering Group recommended additional restrictions be imposed in respect of age authentication for distance deliveries of alcohol, including consideration of age authentication prior to purchase and again at point of delivery, together with expansion of the test purchaser scheme to include distance sales.

3) PROVISIONS RELATING TO PERSONS UNDER THE AGE OF 18 YEARS

Part 7, 117 of the Bill states:

'Sale of alcohol to persons under age of 18 years. 117.____(1) Subject to subsection (2), the licensee under a licence shall not - (a) sell, deliver or permit any person to sell or deliver alcohol to a person under the age of 18 years, (b) sell, deliver or permit any person to sell or deliver alcohol to any person for consumption on the licensed premises by a person under the age of 18 years, (c) permit a person under the age of 18 years to

⁶ Colbert, S., Wilkinson, C., Thornton, L., Feng, X., & Richmond, R. (2021). Online alcohol sales and home delivery: An international policy review and systematic literature review. *Health Policy* 125(9), 1222-1237.

⁷ Williams R & Ribisl K (2012) 'Internet Alcohol Sales to Minors' *Arch Pediatr Adolesc Med.* 2012;166(9):808-813. doi:10.1001/archpediatrics.2012.265, <https://jamanetwork.com/journals/jamapediatrics/fullarticle/1149402>; Alcohol Concern Cymru (2013) On your doorstep Underage access to alcohol via home delivery services, Wales; Colbert S, Thornton L, Richmond R. Content analysis of websites selling alcohol online in Australia. *Drug Alcohol Rev* (2020), <https://onlinelibrary.wiley.com/doi/abs/10.1111/dar.13025>

⁸ Report of the Steering Group on the National Substance Misuse Strategy (2012), p20

consume alcohol on the licensed premises, or (d) permit any person to supply a person under the age of 18 years with alcohol on the licensed premises’.

ICAAN Response

No minimum age is stipulated below which it is illegal for a young person under 18 years of age can consume alcohol at home. Many countries have legal age requirements for both purchase and consumption. For example, the Netherlands introduced a minimum legal purchase and consumption age from 16 to 18. ICAAN recommend that consideration is given to the introduction in law for a minimum age requirement for both purchase and consumption. Government has a duty to protect children from harm and given that the neurotoxic impact of alcohol on the developing teenage brain are well established, consideration should be given to the introduction of both a minimum age of purchase and consumption.

Restrictions on presence in bars of persons under the age of 18 years.

Part 7, Section 120. States

(2) Subject to subsection (3), it shall not be unlawful for the licensee under a licence to allow a child who is accompanied by his or her parent to be in a bar of the licensed premises between - (a) subject to paragraph (b), 10.30 a.m. and 9.00 p.m., (b) in respect of the period commencing from and including 1 May and ending on and including 30 September, 10.30 a.m. and 10.00 p.m. (3)

Subsection (2) does not apply in relation to a child where it appears to the licensee concerned that the child’s presence in the bar could reasonably be regarded as injurious to his or her health, safety or welfare’.

(4) It shall not be unlawful for the licensee under a licence to allow a young person to be in a bar of the licensed premises between - (a) subject to paragraph (b), 10.30 a.m. and 9.00 p.m., (b) in respect of the period commencing on and including 1 May and ending on and including 30 September, 10.30 a.m. and 10.00 p.m.

(5) It shall not be unlawful for the licensee under a licence to allow a child who is accompanied by his or her parent, or a young person, to be in the bar of a licensed premises on the occasion of a private function at which a substantial meal is served to persons attending the function.

ICAAN Response

The General Scheme of the Bill increases the hours at which children of any age can be on a licensed premises when alcohol is being sold when they are accompanied by a parent or guardian. It further removes the lower age limit (currently 15) for children to attend private functions where alcohol is being sold and consumed, if those children are accompanied by a parent or guardian. The ease at which license holders will be able to obtain a late license for such events creates the potential that there could be a significant increase in these types of private family functions. ICAAN recommends:

- No change to the hours on which children under 18 years are permitted to be on a licensed premises accompanied by a parent or guardian.
- Maintaining the 15 year age requirement for children to be at a private function at any hour when alcohol is being sold.

Unaccompanied minors on licensed premises

Part 7, Provisions supplementary to sections 119, 120 and 121. 122. States

- (1) For the purposes of section 120, it shall not be unlawful for the licensee under a licence to allow a person under the age of 18 years to be on the licensed premises or any part of those premises at a time when - (a) alcohol is not being sold or consumed on the premises or that part, as the case may be, and (b) physical access to alcohol on those premises or that part, as the case may be, is securely prevented. (2) For the purposes of section 120, it shall not be unlawful for the licensee under a licence to allow a young person who has not produced an age document to the licensee to be on the licensed premises or any part of those premises in the circumstances referred to in subsection (1). (3) For the purposes of sections 119 and 120, it shall not be unlawful for a person under the age of 18 years to be on licensed premises or any part of those premises in the circumstances referred to in subsection (1). (4) For the purposes of section 121, it shall not be unlawful for a person who is aged at least 18 years but under the age of 21 years and who does not have an age document with him or her to be on licensed premises or any part of those premises in the circumstances referred to in subsection (1). (5) In a prosecution of a person for an offence under section 119, 120 or 121, it shall be a defence for the person to prove that, at the time of the alleged offence, alcohol was not being sold or consumed on the licensed premises concerned or the part concerned of those premises, as the case may be, and that any bar counter thereon was closed.

REDC survey results

The proposed legislation allows for the organisation of events for children of any age to be on a licensed premises without a parent or guardian when alcohol is not being sold, or where the event takes place in a part of the premises where the sale and consumption of alcohol is 'securely prevented'. Only half of adults (50%) agree with proposal of allowing unaccompanied children in venues when alcohol is not being sold. Of the 50% who agree with the proposal, 26% indicated that although they agree 'they have some concerns'.

ICAAN response

There is concern across communities around how underage events are managed. The day of the small youth disco in a local hall or community centre is largely gone. Over the past decade, underage discos have grown into large scale events with often in excess of 2000 young people, many of whom travel long distances by bus to get there. A change to the legislation in 2004 provided a legislative context for large scale teenage discos being held on licensed premises so long as 'intoxicating liquor is not being sold, supplied or consumed on the premises'. Up until that amendment to the Intoxicating Liquor Act, anyone under 18 could not be on a licensed premises without a parent or guardian. We are aware that when the legislation was introduced in 2004, many of these events were promoted as 16 years and over. Over time, the age group catered for has reduced, with many now catering for young people as young as 12 and 13. There are many concerns relating to the operation of these events; young people consuming large amounts of alcohol enroute, Gardai requiring extra numbers on the streets on the nights of these events in many provincial towns (eg. Monaghan, Letterkenny, Ennis) and there are reports from ED's and Sexual Assault Treatment Units of presentations to their services on the nights of these events. The Sale of Alcohol Bill provides an opportunity for Government to consider the safety and wellbeing of young people attending these large events on licensed premises.

ICAAN recommend

- 1) That the Bill is amended to include a minimum age limit for young people attending these events.

- 2) Venues engaged in organising these events are required to carry out a risk assessment of any potential harm for a child while attending an underage event
- 3) Prepare a “child safeguarding statement” specifying the service to be provided and the principles and procedures to be observed to ensure the safety of a child while availing of the service and;
- 4) Appoint a relevant person in respect of this obligation
- 5) Ensure that all staff working at these events must be Garda Vetted

While the Child Protection Act clearly applies, this legislation should provide guidelines around age limits and safety procedures for premises operating these underage events. The amendment of 2004 created the context for these large-scale events was enacted without adequate debate.

4) ADDITIONAL CONCERN: VOLUME OF ALCOHOL SALES

It is not currently possible to estimate how much alcohol is sold in any premises, town or county in Ireland. Annual alcohol sales figures are currently based only on national data collected by Revenue, and relates only to the volume of alcohol on which duty is paid. This limitation in the data is an ongoing and significant barrier for those involved in health research, policy and the planning of interventions to reduce and prevent harm. License holders all have access to this data on an ongoing and annual basis. ICAAN strongly recommends that consideration is given to attaching a requirement that all license holders furnish alcohol sales data to an appropriate body (HSE, HRB) as a condition of their license. This would allow health services, local authorities and those working in the community and voluntary sector to identify and respond to local patterns of consumption and harm.

Paula Leonard

FREE NOW's recommendations on the Review of Alcohol Licensing and the Night-time Economy

9th December 2022

FREE NOW welcomes the decision to revise the Alcohol Licensing regulations and looks forward to the Joint Committee on Justice's examination of the proposals to ensure reforms are developed with a supportive approach to businesses, and the interests of public health, consumers and communities. For Ireland to grow a thriving night-time economy supporting a diverse mix of hospitality industries, modernisation of these rules is required.

There is no doubt that currently, in city and urban environments, a blanket closing time presents an unmanageable change in demand for taxi services over a short period of time. Supply at peak times cannot match the demand, which can contribute to issues of safety, anti-social behaviour and loss of business for the night-time economy.

Our recommendations will concentrate on ways in which the night-time economy could benefit from licensing reform. We will outline 3 main priorities below: (1) Staggered closing times, (2) After-hours services, and (3) Night Mayors.

Staggered closing times

As Ireland's largest ride hailing app, FREE NOW plays a significant role in Ireland's night-time economy, an area which stands to gain significantly from the reform of alcohol licensing laws. The taxi sector currently finds itself in the position whereby significant peak demand arrives over a short time period when bars and nightclubs close, resulting in a "bottleneck". Our own passenger data shows that demand at peak hours continues to outstrip supply, which leads to large volumes of people looking for taxis at the same time. To alleviate this strain on services, we would welcome the introduction of staggered club and other late-night venue closing times in order to avoid the current situation whereby a large number of people leave venues at the same time in a concentrated area. The introduction of measures that alleviate these pressures on the system at times of peak demand would ensure a sufficient supply of public transport (SPSVs included), and in turn reducing passenger waiting times.

Local communities and businesses would also stand to benefit from staggered closing times, particularly from a safety perspective. Staggered closing times have the potential to reduce anti-social behaviour, excessive noise pollution and could make the city more accessible at night to different types of visitors, age groups and demographics. In this way, we would ask the Department to consider the potential for decentralising the socialising areas to spatially distribute demand for taxis.



After-hours services

There is also potential to improve after-hours services, particularly in Dublin and specifically in relation to transportation. We believe that all passengers should have a right to quality, affordable and accessible transport options. Any changes to the alcohol licensing laws that impact urban and city environments should go hand-in-hand with transport infrastructure. Consideration of land planning use should be taken into account. For example, alongside changes in licensing laws there may be cost savings and improvements in efficiency that can be brought about through the reimagining of taxi ranks and the use of virtual taxi rank services.

Night Mayors

Free Now supports the great work already underway by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media on the Night-Time Economy pilot initiative which includes a plan to appoint Night-Time Advisors for 9 pilot towns and cities. The introduction of Night Mayors is a growing phenomenon across Europe and Paris, London, Amsterdam and other European cities have found it to focus attention on the opportunities and challenges of the night-time economy in their respective cities. Any introduction of changes to the alcohol licensing should recognise the important role of future Night Mayors as a conduit to manage, co-ordinate and improve systems between various stakeholders in Dublin's night-time economy.

Currently there is a disconnect between service provision and customer needs. A Night Mayor could be very effective in this regard and could develop advanced strategies that deal with the unique challenges and opportunities facing the night-time economy in Dublin. A Night Mayor could serve as a liaison function between late-night business operators, residents and the authorities.

FREE NOW looks forward to engaging with the Joint Committee on Justice on its plans to modernise alcohol licensing laws and we will help in any way we can to facilitate a thriving night-time economy in Ireland's urban and city locations.



IRISH MEDICAL
ORGANISATION
Ceardchumann Dochtúirí na hÉireann

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Irish Medical Organisation Submission to the Oireachtas Committee on Justice on the General Scheme of the Sale of Alcohol Bill – December 2022

Introduction

The Irish Medical Organisation (IMO) is the trade union and representative body for all Doctors in Ireland. For many years, the IMO has consistently been advocating for policies aimed at reducing the consumption of alcohol and alcohol-related harm. The IMO is concerned that the proposed Sale of Alcohol Bill, is a regressive and harmful move that runs contrary to the objectives of the Public Health (Alcohol) Act 2018 which aims to reduce alcohol consumption by 20%.

The IMO welcomed the passing of the Public Health (Alcohol) Act in 2018, which aims to reduce alcohol consumption and alcohol-related harm through a range of measures, including minimum unit pricing, health warning labels, and restrictions on advertising. However, implementation of this Act has been slow. Meanwhile Government Policy to expand the night-time economy is predominately concentrated on increasing the sale and consumption of alcohol, by extending the licensing hours of bars, restaurants and nightclubs and increasing the density of licenced premises by introducing cultural amenity licences and removing the extinguishment provision for pubs.

Context – Alcohol Use in Ireland

Alcohol consumption is a causal factor in more than 200 diseases, injuries and other health conditions.¹ As evident above by illustrating the harm caused to those by a third party, alcohol-related harm also affects those other than the drinker. Harm experienced resulting from someone else's consumption of alcohol include assault, domestic violence, child neglect/abuse, reduced work-related performance, and foetal alcohol spectrum disorders (FASD).²

- In 2019, Irish people aged 15 and over drank 10.8 litres of pure alcohol per capita.³ This is particularly high also when compared to the OECD recorded per capita consumption of 9.1 litres and worldwide consumption of 6.2 litres.⁴

¹ World Health Organisation. 2022. Alcohol Key Facts.

² Doyle, A., 2021. Alcohol consumption, alcohol-related harm, and alcohol policy in Ireland. *Drugnet Ireland*, pp.1-8.

³ Irish Revenue 2020 -Net Duty Paid Quantities

⁴ OECD/European Union (2020), Health at a Glance: Europe 2020: State of Health in the EU Cycle, OECD Publishing, Paris, <https://doi.org/10.1787/82129230-en>

- An alcohol per capita consumption of about 6.2 litres per annum is needed in Ireland for average low risk alcohol drinking at population level, with Department of Health targets currently at 9.1 litres per capita.
- Monthly and occasional binge drinkers accounted for 62% of all drinkers in Ireland, with this cohort consuming 70% of the alcohol consumed and accounting for 59% of the harms in the population.⁵
- Ireland ranks eighth in the world for monthly binge drinking,⁶ running contrary to notions that only those who are diagnosed with a dependency on alcohol have the ability to affect families, wider society, and health systems.
- Alcohol Action Ireland, using GBD data, estimates that 4 deaths per day occurred in Ireland in 2019 that were attributable to alcohol.⁷
- Between 2012 and 2017, there were 121,919 hospital discharges from partially alcohol attributable conditions, with 87% of such discharges being male.
- In terms of presentations to emergency departments, an Irish study showed that 29% of presentations in the early hours of Sunday morning were alcohol-related.
- In such instances, patients are more likely to be men, arrive by ambulance, leave before seeing a doctor or against medical advice. Of those alcohol related presentations, almost half (46.6%) had unintentional injuries, with over 1 in 10 (11.6%) having intentional injuries caused by a third party who was under the influence of / intoxicated with alcohol.⁸
- The 2016 Healthy Ireland Survey found that 5.3% of the population aged 15 years or older had been assaulted by a person who had been drinking, 6% had family problems due to others' alcohol consumption, and 5% had property vandalised by someone who had been drinking.⁹

International Evidence

International Evidence shows that extending the licensing hours and increasing the density of licensed premises is associated with an increase in alcohol related harm.

In Norway, a study found that each additional 1-hour extension to the opening times of premises selling alcohol is associated with a 16% increase in violent crime. This pattern is evident also in Australia.¹⁰ In Brazil, the limiting of hours of alcohol beverage sales in bars is associated with a decrease in homicides and violence against women.¹¹ In the UK, a study found that while there was no evidence to suggest the removal of regulatory restrictions on the times at which licenced premises could sell alcohol had an effect on the overall volume of violence, there was evidence that suggested

⁵ Doyle, A., 2021. Alcohol consumption, alcohol-related harm, and alcohol policy in Ireland. *Drugnet Ireland*, pp.1-8.

⁶ Health Research Board

⁷ Alcohol Action Ireland. 2022. Global Burden of Disease. Estimates of alcohol use and attributable burden in Ireland.

⁸ McNicholl, B., Goggin, D. and O'Donovan, D., 2018. Alcohol-related presentations to emergency departments in Ireland: a descriptive prevalence study. *BMJ open*, 8(5), p.e021932.

⁹ Hope, A., Barry, J. and Byrne, S., 2015. *The untold story: Harms experienced in the Irish population due to others' drinking*. Health Service Executive (HSE).

¹⁰ Hobday, M., Chikritzhs, T., Liang, W. and Meulenens, L., 2015. The effect of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth, Australia, from 2002 to 2010. *Addiction*, 110(12), pp.1901-1909.

¹¹ Dualibi, S., Ponicki, W., Grube, J., Pinsky, I., Laranjeira, R. and Raw, M., 2007. The effect of restricting opening hours on alcohol-related violence. *American journal of public health*, 97(12), pp.2276-2280.

the change in policy is associated with shifts to violence in the early morning (3am to 6am).¹² Therefore, it is likely healthcare staffing and security will need to increase during these hours to cope with increased presentations due to alcohol-related harm, against the backdrop of an already understaffed healthcare sector.

A recent report from the World Health Organisation, published in November 2022, highlights the international evidence linking the density of on-premise and off-premise establishments with alcohol consumption, alcohol-related harm, and violence.¹³ In particular strong associations were found between violence and the density of bars and nightclubs. The WHO's 'best buys' of proven effective and cost effective interventions to reduce harmful alcohol use are to increase the price, ban advertising, and restrict availability of alcohol.¹⁴

Conclusion and Recommendations

There is a strong lack of coherency in government objectives regarding alcohol, illustrated through the contradictory goals and measures between the Public Health (Alcohol) Act 2018 and the proposed Sale of Alcohol Bill. Given this and strong associations to alcohol consumption, alcohol-related harm, and violence, the IMO is strongly opposed to measures that will increase the density of alcohol outlets and hours in which alcohol can be purchased.¹⁵

The IMO is concerned that the Bill if passed will reverse the public health benefits targeted in the Public Health (Alcohol) Act 2018 which at its core seeks a 20% reduction in alcohol use across the Irish population and a decrease in alcohol-related harm. As of now, progress with the Public Health (Alcohol) Act has been slow, with many measures not fully implemented. As highlighted in a recent report from Alcohol Action Ireland¹⁶, there are breaches in relation to both a) restrictions on the sale and supply of alcohol products, and b) the structural separation of alcohol products from other products in mixed retail outlets, and there is no date set for the commencement of the measure on health warning labels.

The Irish Medical Organisation recommends:

- **There should be no extension to the current opening hours and closing times of pubs, restaurants and night clubs.**
- **Maintain the current extinguishment requirements in relation to licences, where those who want to open a pub or off-licence can only do so if they purchase from an existing licence holder.**

¹² Humphreys, D.K., Eisner, M.P. and Wiebe, D.J., 2013. Evaluating the impact of flexible alcohol trading hours on violence: an interrupted time series analysis. *PloS one*, 8(2), p.e55581.

¹³ World Health Organisation .2022. A Public Health Perspective on Alcohol Establishments: Licensing, Density, and Locations

¹⁴ World Health Organization 'Best buys' and other recommended interventions for the prevention and control of noncommunicable diseases Updated (2017) appendix 3 of the global action plan For the prevention and control of noncommunicable diseases 2013-2020

¹⁵ World Health Organisation .2022. A Public Health Perspective on Alcohol Establishments: Licensing, Density, and Locations

¹⁶ Alcohol Action Ireland, 2022. Where is the urgency? Public Health (Alcohol) Act 2018, a review of progress on implementation.

- **Assess the evidence surrounding the potential impact of the bill on the health of the public through a Health Impact Assessment of the Bill.**
- **A fundamental component of alcohol licensing must be public health. This goal should be clearly stated within any proposed legislation.**
- **Implement the Public Health (Alcohol) Act 2018 in full.**



RESTAURANTS
ASSOCIATION
OF IRELAND

Alan Gideon,
Clerk to the Committee
Joint Committee on Justice
Leinster House
Dublin 2

Recommendations from the Restaurants Association of Ireland to the Justice Committee Regarding the General Scheme of the Sale of Alcohol Bill 2022:

1. The Restaurants Association of Ireland (RAI) is calling on the Justice Committee and the Department of Justice to review the following list of recommendations as the scheme of the Sale of Alcohol Scheme continues to be discussed. The restaurant sector will be directly affected by this legislation, as the proposed broad 'restaurant licence' lacks clarity on a number of counts as will be listed below. Therefore, the RAI is requesting to be included in future Justice Committee consultations moving forward.
 - a. The new legislation should ensure that the 7-Day Publican Licence is equal to the new restaurant licence with the exception that the restaurant licence requires alcohol be served with a substantial meal.
 - b. The trading hours of a wine on licence and a restaurant licence is the same as a public house licence.
 - c. Establishments with a wine on licence and a restaurant certificate have a seamless transition to the proposed new restaurant licence. In the event, this is not the case the holder of a Wine Retailer's On Licence only or a Wine Retailer's On Licence and a Restaurant Certificate should be given a 3 year grace period after the introduction of this Scheme to ensure their premises is functionally in line with new legislation.
 - d. Clarity for those establishments with a current Wine Retailer's On Licence who serve food and do not contain a bar counter. The new wine on licence definition states that a premises before the commencement of the act contains a bar counter.
 - e. The removal of the extinguishment provision should be put in place after one year.
 - f. The entire renewal process needs absolute clarity as many licence holders process their renewals themselves. The date for the excise duty payment and lodgment of renewal application with Revenue is proposed to change to 28 days before the 30 September. This may cause difficulty for any licence holders that will need to certify their turnover. Currently, those who have to certify their turnover are publican's licence and hotel licence.



[http://www.facebook.com/
RestaurantAssociationofIreland](http://www.facebook.com/RestaurantAssociationofIreland)



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Mr James Lawless, TD,
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18th January 2023

By email to clerk to the committee: justice@oireachtas.ie

Re: Concerns for Mental Health and Public Health Consequences - General Scheme of the Sale of Alcohol Bill 2022

Dear Deputy Lawless,

We note that Minister McEntee brought forward plans to Cabinet for a General Scheme of a Sale of Alcohol Bill in late October.

Although public health expertise had been excluded from the 'Taskforce on the Night-time Economy', we had welcomed the inclusion of public health as an area of attention for the Department of Justice during the consultation phase of this process, in early 2022.

The College of Psychiatrists of Ireland provided a submission to the open consultation, along with many other groups with expertise in health and public health. We are disappointed to see that the concerns and recommendations, which we outlined, have been ignored.

Alcohol and Serious Mental Health Problems Across the Lifespan

Alcohol causes or contributes to a vast array of mental health problems across the entire lifespan. These start before birth with foetal alcohol spectrum disorder (FASD) and extend to the end of the lifespan with its role in dementia. In between, we see its harms in episodes of deliberate self-harm, suicides, post-traumatic stress disorder (PTSD), depression and alcohol dependence.

Beyond the individual drinker of alcohol, we see extensive evidence of its harm to the mental health of others, arising from its role in and as a driver of acts of violence, abuse, and neglect.

Increased Hours of Sale and Increased Harm

We advised that there be no increase in hours of sale (of alcohol), as it is clear that increased availability leads to increased use and harms. The Bill proposes to greatly increase opening hours in all on-license settings. As outlined in our detailed submission, this will increase the health harms noted above.

This draft bill ignores public health and gives absolute primacy to the financial and business interests of alcohol retailers.



Polluter Pays Model, Licensing Fee and Useful Data on Harms

Alcohol is not an ordinary product. Within any revision to licensing, there should be a move to a 'polluter pays' model. The license fee should be linked to volume of alcohol sales. A portion of the revenue from the license fee should fully pay for a comprehensive real-time evaluation of alcohol related harms available to towns and cities across Ireland. This would provide immediate information of the extent of alcohol related harm and any trends in same. This would be useful to health care providers, *An Garda Síochána*, alcohol license providers, planning authorities and alcohol retailers themselves. We recognise that alcohol retailers do not want to cause excessive harm. More immediate feedback to them on harms close to their premises may assist them in making rapid alterations to their own operations to reduce harms.

Change in Mindset and Promoting Alternatives to Night-time Socialising

There is a growing minority of young adults who are choosing to drink very little alcohol. There is a lack of imagination in the Bill regarding promotion of alternatives to consuming alcohol within the night-time economy. We had strongly advocated for incentives for same to be built into a new modern 21st century night-time economy. However, quite the opposite has occurred as the draft Bill increases the possibilities for other cultural sites to now include alcohol more easily than before. This is going to make it much more difficult for people, including those people who are in the early stages of recovery from alcohol dependence, to find social activities which are not built around consuming alcohol.

We understand the Justice Committee will be conducting pre-legislative scrutiny of the draft Bill. We hope that this committee will consider these mental health and public health concerns and we hope that expert public health evidence will be sought at hearings on these matters. The College welcomes an invitation to same and any requests to provide any further expert medical information that can inform the committee member's scrutiny of the Bill.

Yours sincerely,

Dr Edyta Truszkowska
Chair, Faculty of Addiction Psychiatry,

pp Andrea Ryder



Introduction

The Irish Music Rights Organisation (IMRO) protects, promotes and develops the collection and distribution of music royalties, it fosters music creation and it promotes the value of music to various communities throughout Ireland.

IMRO administers the performing right in copyright music on behalf of its members (songwriters, composers and music publishers) and on behalf of international overseas societies. Music users such as broadcasters, venues and businesses pay for their use of copyright music. It is the primary means for songwriters and music publishers receiving payment for the use of their works

IMRO distributes over €30 million annually to songwriters, composers and publishers both in Ireland and overseas, ensuring due compensation for creative outputs and a stable guaranteed source of income for our 19,000 members throughout Ireland and beyond.

Irish music and the creative arts are at a crucial lifecycle phase. The digital revolution and the changes in technology have had a fundamental impact on the lives and the operations of people in all walks of life and our creative songwriters are at the forefront of these changes. Not only are there changes to the way that music is produced, shared and consumed, there are also changes to the way creatives interact and connect with their audiences. With every new change there are opportunities but there are also challenges and IMRO aims to assist in making these changes as smooth as possible and ensuring that our members are adequately equipped to deal with these impacts so that they can continue to enrich the Irish culture and identity and provide audiences with the type of entertainment, inspiration and joy that only music can give.

IMRO welcomes the debate on the Sale of Alcohol Bill. The Bill should provide the requirements needed to allow Ireland's licensed premises to operate in a manner more conducive to the requirements of a modern society whilst also allowing all aspects of our cultural environment to flourish. Updating legislation is in itself a mammoth task however updating Ireland's licensing laws, some of which pre-date the State itself presents even more challenges.

We are heartened but not surprised by the wide ranging and inclusive nature of the Joint Oireachtas Committee's discussions. The Sale of Alcohol Bill was never going to solely focus on the sale of alcohol and this has proven to be true. Both the Bill itself and various stakeholders have broadened the discussion to include the night-time economy, cultural outlets, the revitalisation of city centres, viability of rural Ireland and of course, the fostering, nurturing and development of music and entertainment.

IMRO aims to be positive and encouraging in its approach to the various aspects of the Bill while also being constructive and helpful in its suggestions. Rather than commenting on all aspects of the Bill this document will focus on the specific areas pertaining to the work and remit of IMRO and its members. It will also outline some of the areas where we believe we can make suggestions for beneficial change, ways to ease the implementation of the Bill when enacted, strengthen the overall impact.

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Suggested Amendments and Changes

IMRO is an organisation deeply involved in culture and music and it works closely with most if not all of the stakeholders impacted by the Sale of Alcohol Bill. While at first glance it appears that IMRO is not affected by the Sale of Alcohol Bill the reality is that this will greatly impact on the work of the organisation. IMRO licences will be amended or redrafted to reflect the legislative changes for licenced premises, new IMRO licences will be drafted or issued to cover the emerging venues and cultural spaces and additional monitoring, regulation, collection and distribution will be required once the Bill is signed into law.

This Bill will have a significant impact on the social lives of those living in all corners of Ireland and this in turn will significantly impact on the volume and quantity of music required and performed in the future.

1. Granting Licences

A key ongoing concern for IMRO is ensuring that music usage is licenced. This applies to every premises, venue and person in a wide variety of situations. This is in turn so that the creators and performers can be adequately compensated for the value brought to the hospitality sector through the access to their music and songs.

IMRO strives to keep up to speed with new licences and collections from new technologies, new uses for old technologies, new venues, on-off gigs, pop-up festivals – the list is endless. Failure to keep up to date, delays in issuing licences or failure by premises and venues to cover the cost of the licence ultimately mean that the artist/musician must wait for revenue to be returned to them. Worse still is the premises that does not have a music licence and the artist or performer cannot collect revenues for the performance of the use of their music. Such premises create a distortion in the market and unfair competition amongst the vast majority of compliant premises.

IMRO must regularly resort to legal action on behalf of its members to ensure the rights of songwriters and performers are upheld. These actions frequently involve pubs, hotels and nightclubs i.e. venues licenced to sell alcohol and which will continue to apply for licences to sell alcohol under this Bill when enacted.

Non-payment of an invoice would not be tolerated by any other service or product provider working with licenced venues and would likely result in restriction of supply. IMRO has no other option but legal recourse and the financial cost to IMRO of such necessary legal actions is approximately €250,000 a year. There is however a much higher cost which is ultimately borne by the creatives who are not in a position to refuse to perform or to reduce the supply of their music as a result of a venue's non-payment.

Every venue, whether currently a licenced premises, a potential cultural venue or even a temporary space will have some form of music playing. This could be live music as the main attraction for an event, background music to add to the atmosphere or music included as part of a drama or exhibition. It is not a stretch therefore to state that every venue or premises that applies for a licence to sell alcohol will also require a music license from IMRO.

Within the Sale of Alcohol Bill there are detailed processes outlined for granting or renewing alcohol licences. This provides a unique opportunity to copper fasten and guarantee the revenue streams for musicians and artists and this opportunity should not be lost.

Alcohol cannot be sold without the seller having the relevant licence in place prior to sale and equally you shouldn't be able to play music without firstly having obtained the relevant licence.

As part of the granting of a licence to sell alcohol in the Courts, IMRO recommends a requirement to provide proof to the Court that the applicant has not only engaged with IMRO regarding the granting of a music licence but has a process in place to ensure that the cost of the licence will be met once the permission to sell alcohol has been granted.

IMRO's recommendation for a greater input into the granting or renewal of licences to sell alcohol seeks not only to address the unfairness in how the current system operates but also aims to achieve a fairer balance and a more orderly marketplace in the interest of both the hospitality sector and the creative industries.

2. Objections to Licences

The Bill sets out the groups, organisations or people that may object to the granting of a licence and who may appear before the Courts to give evidence. IMRO suggests that this list is broadened to include organisations such as IMRO, that have a substantial and bona fide interest in the matter.

Licensed premises are required to have an IMRO licence for the music played on its premises. Not having the required licence to play music or failing to pay for the music used to enhance both the premises and the customer experience should be a factor in the Court deciding whether a licence is granted or renewed.

Information regarding adherence with licensing requirements gathered by IMRO should be one of the sources of information used by the Courts in reaching its decision. This would also ensure that the musicians and the creators whose works are performed and heard in these premises are compensated for their work. Such a move would strengthen the ability of musicians, entertainers and creative artists to continue to operate in this field.

Finally, the acquiring of an IMRO license could negate the necessity for a premises or venue to have a Music and Singing Licence or a Public Dance Licence. This would reduce cost, lower administrative burdens and provide much more flexibility to those seeking the licences.

3. Extended Trading Hours

IMRO welcomes the proposed changes to the trading hours for licenced premises. This is a move which reflects the changes in our lifestyles and brings us closer to the social systems and structures used by our European neighbours. It also has the potential to broaden the base for social activities in many different parts of the country and to more adequately cater for a variety of interests and events.

The extended hours will impact most on those working in the premises and venues in question. Ensuring that these workers are properly and adequately protected and that the changes do not negatively impact on their lives or on their careers has to be a key consideration for legislators.

Included in the list of workers which may not be so obvious or may not spring to mind straight away are the musicians and artists that perform in the venues. Longer working and trading hours mean that artists and musicians will be asked to work for longer and/or to work more unsociable hours on a regular basis.

The Bill needs to ensure that entertainers are properly and adequately protected and compensated for the increased workload brought about by the additional expectations and requirements introduced in the Sale of Alcohol Bill.

- i) Having an input and a voice at such a pivotal time as the approval or renewal of a licence would ensure that musicians are financially compensated for additional work. This would in turn mean that their working lives are improved and the provisions of the Bill would have a positive impact on their professional lives.
- ii) Performers, artists and entertainers should be included in Section 93 (ii) b – i.e. a performer, entertainer and artist is considered in the employment of the licensee or owner and is on the premises in the ordinary course of employment and therefore not subject to any offence in relation to prohibited hours.

Lastly, the additional trading hours, while welcome will bring the unintended consequence of additional insurance requirements for performers and musicians. Public liability insurance is a requirement for each performer, it is often difficult to obtain and the cost is increasing especially with the reopening of the entertainment business post Covid.

The increase in potential performance hours coupled with the plethora of additional performance spaces, many of which were not used previously for performances purposes, will drive the cost of the public liability insurance for performers higher again. This further emphasises the need for IMRO to be best positioned to represent

its members, to ensure performances spaces are properly licenced and that performers, creatives and musicians are being duly and accordingly compensated for their craft.

4. Cultural Venues

IMRO is very supportive of the proposed legislative changes on cultural venues. There are a few different reasons for this.

Firstly, IMRO members are performers and implicit in their daily work is the requirement for places to perform. Any increase in the number of performing spaces is to be welcomed as it also increases the potential opportunities for IMRO members to share their music with a wider section of society.

Secondly, IMRO members are a broad church with varying differences in music styles, geographic locations, age and ability. A sixteen year old sean-nós singer will seek out a very different performance space from a seasoned DJ who in turn will require a much different performance space to a jazz band. The more choice and variety in venues the more opportunity there will be for different types of music to be heard and various artists to perform.

Thirdly, greater choice of venues will increase the geographical spread of performances. This not only allows audiences in every part of the country to be exposed to different genres and styles of performances it also allows artists and musicians to live in many different regions throughout Ireland removing the need to reside in or close to urban centres which have traditionally been the performance hubs.

To this end IMRO would not curtail the types of venues that can apply for licences to operate a Cultural Venue or Amenity nor would it curtail the applicants that can apply to operate such a venue. IMRO supports the net being cast as wide as possible with the examination of each application on a case-by-case basis.

We would strongly recommend that a list of cultural venues and amenities both permanent, temporary or one-off is included on a website and regularly updated. This would ensure that any performing artist can easily check the status of the venue that they are performing in and can track their performance royalties using the same information.

Summary and Conclusion

Through the Sale of Alcohol Bill the Joint Oireachtas Committee on Justice has a unique opportunity to make a lasting and positive impact on the social and cultural life in Ireland. This will also have the knock-on effect of having a huge bearing and effect on the music, entertainment and performing landscape, one which will serve Irish audiences in all corners of the country.

It is never easy to introduce change and there will be resistance to various aspects of this Bill from many different vested interests. The long-lasting impact of the Sale of Alcohol Bill on the cultural life of Ireland cannot be ignored or simply viewed as a by-product of this legislation. Additional performance spaces will create more opportunities for Irish musicians and entertainers and will assist in revitalising and reinvigorating the music and entertainment sectors and the communities to which they perform.

With this opportunity comes a note of caution. Songwriters, musicians, performers and artists will be impacted by the provisions of the Bill. Whether they are the main attraction or background entertainment they are still working in the venues they are performing in and need to be properly protected and compensated for this work.

Ensuring each venue that is granted a licence to sell alcohol also has an IMRO licence is vital, necessary and essential. Giving IMRO an opportunity to input into and have a voice in the licensing process, as a body with a substantial interest in the outcome of licences granted is an easy way to ensure the success of the cultural impact of this Bill for years to come.

IMRO would welcome the opportunity to work with the Department and its officials on all aspects of the Sale of Alcohol Bill with a view to the enactment of a strong, fit for purpose, future proofed piece of legislation.

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