

## Meeting between Department of Justice and Fáilte Ireland – 18/01/2023

### Attendees

Juliet Dwyer  
Patricia Butler  
Patricia O'Moore  
Jessica Cloake  
Michael Donnelly

[REDACTED]  
[REDACTED]  
[REDACTED]

### Discussion

In relation to the change in the General Scheme whereby hotels must be registered in the register of hotels before they can apply for a hotel licence or a publican's hotel licence, Fáilte Ireland explained the steps involved in the registration of a hotel.

Firstly, there is a pre-inspection to check that the hotel meets the necessary health, safety, fire and hygiene requirements. Then the hotel has a 'soft-opening', and after this, a final assessment is made by Failte Ireland, when the business is fully operational. This process can begin at any time of the year.

The [REDACTED] suggested that hotels could acquire a temporary/provisional liquor licence to resolve this issue brought forward by Fáilte Ireland.

Fáilte Ireland brought up the hotels that hold their licence based on the 1902 Act, and stated that they wanted to ensure that the change in the General Scheme would not have any unintended consequences on these premises.

In relation to the issue of holiday camps, Fáilte Ireland stated that these particular premises essentially would want to have a bar and restaurant, and want to ensure that the proposed legislation would not impede this.

Fáilte Ireland also gave some general statistics in relation to hotels. There are currently 836 registrations in total in the country, and on average, there are 10-12 new hotel registrations per year.

## Meeting between Department of Justice and Irish Music Rights Organisation – 07/02/2023

### Attendees

Juliet Dwyer  
Patricia Butler  
Patricia O'Moore  
Michael Donnelly

[REDACTED]  
[REDACTED]  
[REDACTED]

### Discussion

To gain a clearer understanding of IMRO's suggested amendments to the Sale of Alcohol Bill, IMRO explained the steps required to obtain a licence with their organisation.

- An IMRO agent contacts or meets the owners of the relevant premises.
- A licence contract needs to be signed with IMRO, outlining the use of music on the premises e.g. only background music, live music twice a week.
- There are tariffs set for certain industries e.g. hotel tariff, Dublin pub tariff. IMRO work with industry bodies to work out suitable rates for tariffs.
- Licences with IMRO are renewed annually.
- A premises that plays music is legally required to have a licence with IMRO, according to the Copyright and Related Rights Act 2000.

IMRO set out the changes they would like to see in the Sale of Alcohol Bill.

1. As part of the granting of a licence to sell alcohol, IMRO would like there to be 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.
2. IMRO would like to be added to the parties who may object to the granting of a licence to sell alcohol. IMRO also believe that having a licence with IMRO could negate the necessity for a premises or venue to have a Music and Singing Licence or a Public Dance Licence.
3. In relation to extended trading hours for licence premises, IMRO would like to ensure that musicians and artists are adequately protected and compensated for the increased workload that come with longer trading hours.
4. IMRO would like there to be a publicly available list of cultural venues and amenities on a website that is regularly updated. The Department of Justice confirmed this is

already planned, and is with the Courts Service. IMRO offered their involvement to assist with this.

In terms of next steps, the Department of Justice will contact the Department of Housing in relation to the Public Dance Hall Act 1935.

## Licensed Vintners Association Meeting

22 November 2022

Attendees: [REDACTED] Andrew Munro, Joanne King, Jessica Cloake.

The following offers a summary of the main concerns outlined by the LVA in relation to the Sale of Alcohol Bill.

### **Extinguishment**

The LVA are opposed to the removal of the extinguishment requirement. They referred to the Minister's comments in relation to the contribution the removal of the extinguishment requirement could make to the protection of rural pubs; the LVA believes that such an approach misinterprets the underlying cause of why rural pubs are in decline. They believe that the market is already over saturated from a supply point of view that the off trade has taken a large percentage of sales. In light of this they view it as unlikely that a publican would open a new pub in rural Ireland.

The removal of the extinguishment requirement will, in their view, lead to new pubs being opened in urban areas, not rural areas. They believe that rural pub numbers will continue to fall regardless of changes to licensing and that the regeneration of rural towns does not start with licensing laws. They are of the opinion that the new system will work to the benefit of urban areas and that new licenses will follow the demand generated by urban and tourism focused locations. The effect of this will reduce the value of rural pubs and cause an increase in the number of licences to the market as rural pub owners may decide to sell their license early while it still has value.

### **Cultural Amenity Licence**

The LVA is concerned that there is significant potential for abuse of this licence type and that it could backdoor into the licensed trade. They believe that this will add to the density of licensed outlets in urban areas. They proposed the inclusion of a new condition that a venue must be in operation 12 months before being granted this licence. They are concerned at the potential abuse of this licence type by external promoters to host events on the premises that focus on the commercial sale of alcohol. They propose that a limit should be placed on the number of occasional late licences granted to these venues.

### **Restaurants**

The LVA makes the point that business is increasingly being driven by food sales. They query whether the Irish pub will go into decline as business becomes more restaurant driven. They are concerned that business owners may choose to open restaurants rather than pubs. They are in favour of provisions made for restaurant licences such as the sale of alcohol as ancillary to a meal and the requirement that there is no bar counter in operation however they propose a 'table service only' provision be added. They query whether it is possible to mandate that the operator has no bar counter in use on the premises, either through removal of the bar counter or if it is sufficient that a licence holder commits to not operating a bar counter.

### **Additional Points**

Regarding late trading and wine on-licences they believe that holders of the latter should not be eligible for late trading permits. They have concerns regarding premises operating with wine on-licences and restaurant licences converting into late bars.

## Meeting with the Restaurants Association of Ireland

*In attendance:* [REDACTED], *Juliet Dwyer, Patricia Butler, Patricia O'Moore, Jessica Cloake*

### General

The RAI largely welcome the reforms proposed in the Bill. They believe the Bill will modernise the sale of alcohol in Ireland and bring forward a more European style.

The RAI queried the process for existing licences to transition i.e. how a wine licence would transition to a restaurant licence.

The RAI welcome the move from the Circuit to the District Court.

The RAI queried how the involvement of the HSE would work.

They also presented queries concerning objections i.e. if someone makes an objection to the renewal of a licence against the operator themselves in cases such as those involving an employee grievance they wish to know how this would work in due process.

The RAI have no observations or grievances in relation to cultural venues obtaining licences as this would have a positive effect on tourism and the need to modernise.

They are of the opinion that it is important that provision for outdoor dining continues. They raised an issue regarding the insurance requirements/provisions surrounding spaces being used for outdoor dining.

In relation to An Garda Síochána they queried whether part of the role of licensing sergeants would go to local authorities and whether this would free up Garda time. Representatives from the Department of Justice confirmed that enforcement will remain with the Gardaí and that local authorities would be a notice party.

The RAI queried how future costs will be determined after the extinguishment requirement is removed.

### Trading hours

The RAI would like to see equality between licence types i.e. opening hours for restaurants would be the same as the ones prescribed for seven day publicans licences and as such all businesses would avail of the 12.30am close.

Representatives from the Department of Justice confirmed that the extension of trading hours to 12.30am are to be standard and that there is currently no proposed difference in trading hours between restaurant licences and publicans licences in the provisions of the Bill.

### Bar Counter

The RAI is of a different opinion to publicans regarding the issues presented by bar counters in licensed premises. They outlined the difference between bar counters and food counters, the latter of which being where an individual could be seated for a meal. They do not believe that there is any reason not to be permitted to have a food counter on the premises and not be able to serve alcohol at this counter. They note that this style of dining is becoming increasingly popular. They also queried if in cases where an establishment would need to make structural changes would there be a time period provided for this.

### Wine On-licence

The RAI queried what these would look like after the Bill is enacted. They also predict that café's would likely apply for wine on-licences as businesses may try to take advantage of this opportunity before the Bill is enacted.

### Extinguishment

The RAI are of the opinion that there should only be a one year standstill for the removal of extinguishment. The rationale they presented for this is that it would free up dormant licences in rural areas that have not been used for a number of years. They are also of the view that these licences may have gone to off-licences.

Note of Meeting between Department of Justice and the Vintners Federation of Ireland  
4 April 2023

*In attendance (online video call):*

Juliet Dwyer, Principal Officer

Patricia O'Moore, Assistant Principal

Jessica Cloake, Administrative Officer



General observations made in relation to Pre-Legislative Scrutiny of the General Scheme of the Sale of Alcohol Bill 2022

The VFI made a number of observations in relation to the recommendations outlined in the Pre-Legislative Scrutiny Report:

- Regarding extinguishment the VFI noted that changes to this requirement may have unintended consequences for the trade and sought further consideration of this issue.
- The VFI queried the inclusion of new licence types such as temporary event licences. The Department confirmed that with regard to this occasional permits were still within the scope of the legislation.
- The VFI expressed concerns over the proposed cultural amenity licences as these may have the unintended effect of being anti-competitive and may allow holders to operate as nightclubs or late bars. The Department confirmed that it is not the intention to facilitate holders of a cultural amenity licence to operate as a nightclub and that work was ongoing on this in collaboration with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- The VFI queried whether there had been consideration given to the creation of a statutory authority with responsibility for alcohol. The Department noted that this was not within the scope of the Bill as the primary focus of the legislation is on licensing.

In addition to these points the VFI also sought clarification on what stage the Bill was currently at with the Department confirming the Bill has now been officially referred for drafting as of the 9 March 2023.



## Meeting between Department of Justice and VFI – 21/11/2022

### Attendees

Andrew Munro  
Joanne King  
Michael Donnelly



### Discussion

██████████ and ██████████ both had questions regarding wine on-licences and restaurant licences. They both wanted further clarification on the situation for both licences in the General Scheme. Ms King confirmed that a restaurant would not be able to avail of the late bar or nightclub permits, but could apply for an OLHO.

██████████ made a point in relation to the Public Health (Alcohol) Act, which aimed to reduce alcohol availability, but noted that the General Scheme will make alcohol more available.

██████████ and ██████████ both raised concerns in relation to Cultural Amenities. ██████████ raised the point that a number of cultural venues receive State funding and will compete directly with venues that do not receive State funding, which he believes to be unfair.

██████████ has a concern over the definition of a cultural amenity. He asked if a community centre, for example, would be able to get a licence to sell alcohol under the proposed changes in the General Scheme. Mr. Munro stated that the Department of Justice will need to work with DTCAGSM on cultural amenities.

The issue of protection against sexual harassment in the General Scheme was raised by ██████████ ██████████ and ██████████. They believe this could be difficult to manage due to the fluidity of staff in pubs. It could also become a cost burden if new staff continually need to be trained, due to staff turnover in the industry. Mr. Munro suggested that something along

the lines of 'reasonable steps were taken' included, as an incident of sexual harassment could be an isolated incident.

██████████ had a question about the cost of the new late bar and nightclub permits. Mr. Munro stated that further work will need to be done on this with the Courts Service and the Department of Public Expenditure and Reform. Mr. Munro also stated that the intention would be for the Courts to recover their costs, and the fees for permits should not go above this. Mr. Munro also suggested that the cost to the Courts should reduce when the system becomes more automated.

██████████ had concerns over the removal of the extinguishment requirement. A number of older publicans over the age of 55 have concerns over their licence losing value. ██████ believes that the 3 year window for the removal of the extinguishment requirement is too short. ██████ also asked if the Government have considered some giving some form of payment as compensation to those publicans that will lose out due to this policy. Mr. Munro told ██████ that the Department would be happy to hear the thoughts or concerns of the VFI if they wanted to set these out in a paper.

## **Meeting with NOffLA**

**30 November 2022**

The General Scheme doesn't seem to address rogue operators selling online. Online retailers can effectively appear and disappear with no clear idea of what licence they are operating under. In some cases they are also not operating from a retail premises.

Transparency is needed online where all those operating online would have to declare a licensed number or address.

Concerns were raised about enforcement measures in relation to websites selling alcohol.

Industry self-regulation would be one of the best approaches here.

Queries in relation to distance sales were raised in terms where the responsibility ends from licensee to delivery driver is alcohol is delivered to someone under the age of 18. Dep. of Justice confirmed here that the responsibility will lie with the licence holder.

The Dep. of Justice also confirmed that wholesale licence holders only will be permitted to sell to retailers and that new off licences will be subject to the extinguishment requirement.



Eoin Ryan  
[eoin.ryan@alcoholactionireland.ie](mailto:eoin.ryan@alcoholactionireland.ie)

**Our Ref: DOJ-FOI-2024-0951**

Dear Mr. Ryan,

I refer to your Freedom of Information request seeking:

**..... the following information – all minutes and notes taken in relation to the following meetings regarding the Sale of Alcohol Bill 2022:**

<i>Fáilte Ireland</i>	<i>18/01/2023</i>
<i>Irish Music Rights Organisation (IMRO)</i>	<i>07/02/2023</i>
<i>Private Security Authority</i>	<i>08/11/2022</i>
<i>Licensed Vintners Association (LVA)</i>	<i>22/11/2022</i>
<i>National Off-Licence Association (NOffLA)</i>	<i>30/11/2022</i>
<i>Restaurants Association of Ireland (RAI)</i>	<i>14/02/2023</i>
<i>Vintners Federation of Ireland (VFI)</i>	<i>21/11/2022</i>
<i>Vintners Federation of Ireland (VFI)</i>	<i>04/04/2023</i>

### **Search efforts**

Searches were performed on the following:

- eSubmissions
- eDocs
- Email accounts of staff working in the Civil Legislation Unit

The Department has also had regard to the Information Commissioner's guidelines on adequacy of searches.

### **Decision**

A decision has been made on your request by Jessica Cloake, Administrative Officer in Civil Legislation who has decided to part grant your request in accordance with the following exemption:

### **Personal Information**

In arriving at their decision, the decision maker took account of the definition of personal information in Section 2 of the FOI Act

*“personal information” means information about an identifiable individual that, either—*



*(a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*

*(b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

**Section 37 - (1)** *Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

The decision maker also notes that they do not have the consent of the individuals concerned to release the record to you. Release of personal records to third parties is provided for at Section 37(2)(b).

**Section 37(2)** - *Subsection (1) does not apply if:*

*(b) any individual to whom the information relates consents, in writing or such other form as may be determined, to its disclosure to the requester,*

The decision maker also considered the public interest test:

#### **Public Interest Test**

##### For release

- Openness and transparency
- Accountability of public bodies

##### Against release

- The right of individuals to privacy in their communications with Government Departments  
The information contained in the record would only be known to those referenced in the record and to release the record would identify them,

On balance, the Decision Maker believes that the public interest against release outweighs the public interest for release.

#### **Rights of Review**

In the event that you are not happy with this decision you may seek a review of this decision by writing to the Freedom of Information Officer, [foi@justice.ie](mailto:foi@justice.ie) seeking an internal review of the matter and referring to or enclosing a copy of this letter.

You should submit this application for a review of your request within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. The making of a late application for review may be permitted in appropriate circumstances. The review will involve a complete reconsideration of the matter by a more



senior member of the staff of this body and the decision will be communicated to you within 3 weeks.

Yours sincerely,  
**Louise Keane**

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Louise Keane  
Freedom of Information Officer

22 October 2024

FOI Request Reference: DOJ-FOI-2024-0951

Schedule of Records: Summary of Decision Making

Record No	Date of Record	Brief description	No. of page	Decision: Grant/Part Grant/Refuse	Section of Act if Applicable	Record Edited/Identify Deletions
1.	18/01/2023	Meeting with Fáilte Ireland	2	Part Grant	37	Personal information redacted
2.	07/02/2023	Meeting with IMRO	2	Part Grant	37	Personal information redacted
3.	22/11/2022	Meeting with LVA	1	Part Grant	37	Personal information redacted
4.	14/02/2023	Meeting with RAI	2	Part Grant	37	Personal information redacted
5.	04/04/2023	Meeting with VFI	1	Part Grant	37	Personal information redacted
6.	21/11/2022	Meeting with VFI	2	Part Grant	37	Personal information redacted
7.	30/11/2022	Meeting with NOffLA	1	Grant		