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About The ICBI

The Independent Craft Brewers of Ireland (ICBI) represents Irish Microbreweries across all regions of the country. Our membership criteria are in line with the definition of a microbrewery as set out by Revenue. The ICBI is a largely voluntary organisation run by breweries and for breweries with the chief aims of supporting and promoting this unique and vibrant indigenous sector.

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.

Consultation on Review of Alcohol Licensing

The ICBI very much welcomes this review of Alcohol Licensing from the Department of Justice and the commitment by Government to modernising our licensing laws and application processes. We wholeheartedly agree that the current “licensing code is fragmented, complex and out of date in many respects”.

The Position of the ICBI is very much in line with the main objectives outlined by Department of Justice regarding proposed sale of Alcohol Bill in its efforts to:

- simplify and streamline the licensing laws
- reduce alcohol-related harm, especially among young people
- promote coherence between the planning and licensing codes, including a strengthening of the role of local authorities in licensing matters
- improve compliance with licensing law by licensees, and its enforcement by An Garda Síochána

General Position of ICBI Regarding Alcohol Licensing

Current licensing laws are often archaic and widespread reform is both required and very welcome.

The ICBI would preface any suggested changes with the clear understanding that all laws regarding the minimum age for the purchase of alcohol as well as the fitness of a person (regarding intoxication) to purchase alcohol need to be adhered to at all times.

Restrictions on availability of licences to sell alcohol provides a significant barrier to market entry for Irish microbreweries. This is most significantly felt across the on-trade in the current on-license system. Limited availability of beer licences and extinguishment requirement support an entirely anticompetitive environment and discriminate against small local manufacturers by restricting access to sales platforms.

The ICBI strongly believes that manufacturers of beer should be allowed to sell their own products in any quantities, however small, under their current licence.

Wine only licences across the on-trade and off-trade incorrectly favour imported wines over the indigenous brewing industry. Given that craft beer is an indigenous product providing employment in local regions throughout Ireland, we would particularly urge the Department of Justice to give the same consideration to beers as it does to wines in the availability of any licence.

In terms of cultural contribution, the potential for national and international tourism experiences in local breweries should not be inhibited by outdated licensing restrictions. Local culture and community are greatly supported by microbreweries across Ireland, many located in rural areas.



Further interactions within the community by allowing breweries to easily engage with local sales at their premises and at community events such as markets and fairs would only serve to increase local links and highlight the craft of Irish brewing.

The artisan industry has a clear delineation in terms of contribution to local communities, upkeep of traditions and cultural and historical footprints. Our brewing community is regularly alienated and demonised and denied access to promotional supports, where our brethren in the food producing community are supported and highlighted. The licensing laws should seek to support and remove market barriers to the Irish craft brewing sector.

Note on Submission Format

This document follows the format and sequence of the online survey provided by Department of Justice.

We have sought to address the majority of questions posed and in particular those most relevant to the selling of beer.

Licensing Application Systems

The current system is overly complicated for the majority of licence types and many of the current stipulations for gaining a licence are entirely antiquated and, in some cases, even absurd.

The process of application is unduly expensive predominantly due to often unnecessary requirement for legal representation.

If a court appearance is retained as a requirement for first applications, certainly all should take place in the district court, there should never be a requirement to attend at circuit court for any standard applications and renewals.

The application process could be improved by providing clear and simple explanations and precise details of any necessary “proofs” involved so that individuals can gather and submit required information without necessarily engaging legal representation.

The ICBI would further 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.



Categories of licence

It is the position of the ICBI that wine and beer as well as cider should be treated as a single category for licensing purposes.

Suggested Licensing Types

The ICBI strongly believes that categories of licence should be dramatically simplified across the board.

For Example, *, **:

- Manufacturers Licence
- Wholesale Licence
- Off Licence
- On-Licence Restaurant
- On Licence Bar / Other Entertainment Premises
- On Licence Late Bar

**Any on-licences issued should by default also cover off-sales.*

***If there is not to be a large change in the current licensing formats and application system, we would be strongly of the opinion that defined small premises (especially in rural locations) should qualify for a vastly simplified method of application and a significantly less costly system.*

FURTHER NOTES ON OTHER CURRENT LICENSING CATEGORIES

Manufacturer's Licence

Manufacturers of beer should be able to sell their own product at their premises under current or revised form of manufacturers licence. At an absolute minimum, the manufacturers license 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.

Any minimum sales quantity reference should be removed from manufacturers licence. The current act references quarts and gallons as minimum quantities which do not equate to any standard modern measurements. In theory the current law would preclude a manufacturer from selling a single case of beer to a local restaurant, however in practice this minimum sales quantity reference is used by revenue inspectors only to prevent manufacturers from selling direct to the public.

Producer's Retail Licences

The ICBI very much welcomed the spirit of the introduction of these licence types and the overwhelming support of microbreweries from both government and opposition TDs at the time of the passing of the Intoxicating Liquor Bill 2018. However, given the current review of licensing laws that is underway and the very poor uptake of these licences (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 license 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-license, subject to suitability of premises.



Wine Retailers On Licence and Restaurant Certificate

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

“An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in Ireland. [1] [28th August 1860.]”

The preamble to the act makes it patently clear how much of the content would be irrelevant to modern living. Take for example the requirement in the act for the “refreshment house” to be open until either after 10pm or before 7am – indeed current overriding legislation makes it illegal under this license type to sell any alcohol during the hours for which the premises must be open. Our understanding is that the opening hours requirement came from a time from weary travellers in their horse and carriage or by foot would require “hydration” at a time that water was too dirty to drink!

Revenue Website ‘*A Wine Retailer’s On Licence holder may sell fine wine, sherry and fermented liquor containing less than 23% vol. The licence is confined to premises deemed a Refreshment House.*’

A Refreshment House is defined in the act as:

‘All houses, rooms, shops, or buildings kept open for public refreshment, resort and entertainment at any time between the hours of 10 o’clock and 7 o’clock of the following morning not being licensed for the sale of beer, cider, wine or spirits respectively’.

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 can 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 can be sold either on or off premises with no stipulation for a meal. The ICBI would question why beer is discriminated against in this manner?

We would further note that it is difficult to find information regarding this Restaurant certificate and that the need to appear in court each year to renew again discriminates against the selling of beer.

The experience of our members has also been that some licence types including above which allows for the sale of beer on premises alongside a meal; in practice only allows for the selling of bottled beers and exclude cans or draught beers which does not make sense in terms of current trends and sales formats and mechanisms.

The ICBI would urge that if a similar licence type is to continue that it also allows for the sale of beer in the same fashion as that of wine.



Public Health

Continued education and provision of entirely evidence-based information should be the primary mechanism for the protection of public health. It is the opinion of the ICBI that restrictive and punitive licensing laws are no substitute for such education alongside personal responsibility. Enforcement of public order provisions remains an important aspect and the very far-reaching Public Health Alcohol Act already provides for a significant level of restriction on the sale of alcohol.

ICBI member breweries take their responsibilities very seriously, as small business owners, citizens of Irish society and members of the communities where they live and work.

We further recognise our responsibilities as Brewers and sellers of beer and acknowledge that excessive drinking leads to health problems. It is our intention and our hope that the beers we brew are consumed in a way that brings sensory enjoyment to the people who drink them. Our overarching aim is always balance and moderation in the consumption of beer.

We view brewing as local tradition with agricultural roots, rather than an industrial process. We celebrate flavour and the variations that come with the change of seasons and crops. We believe brewing is a cultural activity which is an expression of ourselves and our community.

When people buy and drink our beer, they do so because they share these values with us. They are looking for a consistently high-quality flavour experience. They want an independently made, authentic product. And they want to feel a connection to real people and communities. We know this because we interact with our customers and our communities on a daily basis, and we care about the society in which we live and the issues it faces.

Our connection with our communities and our customers is why we engage in the responsible marketing, advertising and selling of beer. We avoid marketing activities that feed into the misuse or abuse of beer in all aspects of our communications with our customers, instead we emphasise the responsible and considered enjoyment of beer as part of a balanced, healthy lifestyle.

Nightclubs, late bars and Special Exemption Orders

Whilst this aspect of the legislation does not directly apply to any microbreweries it is the opinion of the ICBI that Special Exemption Orders are another example of needless red tape resulting from outdated legislation and that the current system makes little sense. Restrictions on same are really planning rather than licensing related.

Trading Hours

- Monday to Thursday: 10.30 a.m. to 11.30 p.m.

- Friday and Saturday: 10.30 a.m. to 12.30 a.m. on the following day

- Sunday: 12.30 p.m. to 11.00 p.m.

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



The ICBI does not have a very particular issue with the overall limiting of trading hours dependent on licence category, however we do not feel that restrictions necessarily reflect modern living and overwhelmingly believe that individual premises should be allowed to define their own hours of operation and meet the needs of their customers.

We would certainly see no reason to restrict hours differently on different days of the week in particular weekend and Sunday hours.

Any licences - if they remain in place for primary manufacturers of Alcohol via the current Intoxicating Liquor Act 2018 should be tied to standard trading hours should they remain in place in either current or revised / extended format.

Manufacturer's licence extended as laid out above should equally be tied to standard trading hours should they remain in place in either current or revised / extended format.

Extinguishment requirement

Current laws are entirely anti-competitive and inappropriate. A particular negative aspect for craft breweries is that it allows for the continued monopoly in place by large drinks companies.

Restricting the number of licences artificially raises the price of opening bars. Furthermore, due to the cost it encourages 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, licences should be available on the free market and should be determined by whether the license holder is fit and then whether a community or area can commercially support the business.

The association of a costly licence with a premises artificially inflates the cost of a premises and discourages repurposing.

It is unacceptable that a license issued by the state should be traded as a commodity. Just one of many clear examples of the inappropriate use of this trading is the buying up of "pub licences" by multiple retailers.

Online Delivery/Sales

The ICBI does not believe that a specific licence for online selling is appropriate as other licensing regulations and laws surrounding the sale of alcohol can be applied.

We recognise a potential need for industry guidelines to apply to online selling as a specialist mechanism of sales to ensure that all current laws are adhered to.

FINALLY: The ICBI would like to thank the Minister and the Department for undergoing this important review