

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 Siochana 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, WHOLESALER'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.

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