



Responsible Retailing Code NI

Fourth Report



THE JOINT INDUSTRY CODE
FOR THE RESPONSIBLE PROMOTION
& RETAIL OF ALCOHOL
IN NORTHERN IRELAND (2012)

FOURTH REPORT



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RESPONSIBLE RETAILING CODE NI INTRODUCTION

The Joint Industry Code for the Responsible Promotion and Retail of Alcohol in Northern Ireland was introduced in May 2012. Since then the Code has been revised and updated twice to reflect changes in marketing and social media, with the 3rd edition now in use.

The Code is a self-regulatory measure, introduced by the industry, which outlines the basic standards expected of those involved in the production, promotion, retail and service of alcohol in Northern Ireland.

Overseeing compliance with the Code is an Independent Complaints Panel (ICP) consisting of independent professionals with extensive knowledge and experience in the alcohol, justice, health, education and youth services. The ICP is responsible for overseeing the compliance of the industry with the Code and considering complaints made with regards to potential breaches of the Code.

Anyone can make a complaint:

By writing to:
The Independent Complaints Panel
91 University Street
Belfast BT7 1HP

By email to:
responsibleretailingcodeNI@gmail.com

**Please note that complaints
cannot be made anonymously**

Further information and a full copy
of the Code can be found at
www.responsibleretailingcodeNI.com



FOREWORD

Since its introduction in 2012, the Joint Industry Code for the Responsible Promotion and Sale of Alcohol NI (RRC) has received the backing and recognition of subsequent Department Ministers.

Each of whom has recognised the need to ensure that alcohol is promoted in a responsible manner and the important role the RRC has played in influencing the behaviour of the industry.

Almost seven years on, it is evident that the level of irresponsible promotions has declined, but we must always remain vigilant and seek to eliminate all irresponsible promotions where possible. Despite the absence of a Minister and the proposed legislation to give statutory recognition to such approved codes, I believe the RRC will continue to play a crucial role in influencing the responsible promotion of alcohol in both the on-trade and off-trade.

I commend the industry for their efforts to ensure alcohol is always promoted and sold in a responsible manner through self-regulation and recognise the majority of licensees run professional businesses. I would also like to commend the members of the Independent Complaints Panel for the time and commitment given to overseeing the RRC.

I look forward to the appointment of a new Minister for the Department and will ensure he/she is fully aware of this good work and the benefits of giving statutory recognition to such codes.

Tracy Meharg
Permanent Secretary
Department for Communities



CHAIRMAN OF THE INDEPENDENT COMPLAINTS PANEL DUNCAN MCCAUSLAND

This is the fourth report of the Joint Industry Code on the Responsible Promotion and Retail of Alcohol in Northern Ireland. Since its establishment in 2012, the Code has been fully accepted and operated by the industry as the standard to which responsible retailers of alcohol should adhere.

The Code has now been in operation for over 6 years, during which the Independent Complaints Panel (ICP) has dealt with 74 formal complaints. This report covers the period from September 2016 to September 2018, and during a significant period of this time, there has been no local Executive Authority in position.

The retail Alcohol Industry in Northern Ireland is a key cornerstone of our Hospitality and Tourism Industry employing in excess of 60,000 people and generating over £1.2B for the economy. The responsible consumption of alcohol is a key principle to which the whole industry prescribes, and the potential harm from misuse of alcohol is recognised by all sensible retailers. That is why the Code continues to be an effective and practical tool to ensure that all Licensees promote alcohol consumption in a way that meets the expected standards agreed by the whole industry.

Although there have been 74 formal complaints assessed by the ICP, retailers make regular contact to check out potential promotions at an inception stage to ensure they meet the expected standards. This approach is to be welcomed and encouraged as a clear demonstration of the commitment to and effective operation of the Code as a regulation of promotions in the Industry.

We have also in the last two years carried out a further revision of the Code, publishing and bringing

into operation a third iteration. This new version builds on the learning of the last six years, and underlines the success and ability of the Industry to self-regulate by the use of this Code. The third version includes such issues as:

- The importance of staff training
- The effect of Social Media
- The clarification of Licensees' responsibilities
- A revised process to deal with Complaints
- The acceptance of Challenge 25

In the last report we were encouraged by the Department for Communities' draft legislation that was brought forward, proposing adjustments to the Liquor Licensing Laws for Northern Ireland, which included the potential statutory recognition of this Code along with other much sought after changes. We still await the progress of this draft legislation which we hope will be actioned quickly on the return of the Executive Authority. Despite this we continue to build upon our partnership working with the Police Service NI, Local Councils and other statutory bodies. We look forward to developing these practical relationships to build on the success of the Code over the last six years.

Once again, we must express our thanks to the Industry Organisations who, through their voluntary funding, make it possible for the ICP to continue to operate without compromising our independence, as

well as the support of Hospitality Ulster for providing the Secretariat to the Panel. We have seen three new members join the Panel in the last two years as it continues to ensure it reflects community opinion and views. To this end, the ICP will continue to aim, to evolve and develop its membership accordingly.

In conclusion, can I take this opportunity to again personally express my thanks to all members of the ICP who give their time to ensure the Code operates in the interest of all in Northern Ireland by ensuring responsible alcohol promotions and accordingly consumption.

A handwritten signature in black ink, appearing to read 'Duncan McCausland'.

Duncan McCausland
Chair of the Independent Complaints Panel

COMPLAINTS MATRIX

The following matrix outlines complaints received and the synopsis of the Panel's decision

Ref Number	Date Opened	Subject	Nature of Complaint	Decision/ Notes	Outcome
01	14/08/2012	On-Trade	The Complainant raised the issue of a number of premises selling low cost drinks.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Out-with
02	13/09/2012	On-Trade	The Complainant raised the issue of a loyalty scheme that rewarded customers who purchased six pints of beer with one free. Alleging that this encouraged people to drink more in a shorter space of time to qualify for the free pint.	On further investigation by the Panel of the loyalty scheme, it was noted that the purchase could be made over a number of days. Therefore the promotion did not encourage excessive consumption. However the Panel recommended that the licensee made this clearer on any promotional material.	Not Upheld
03	03/10/2012	On-Trade	The complaint raised the issue of a licensee selling drinks at £1.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Not Upheld
04	26/10/2012	Off-Trade	The Complainant raised the issue of a licensee selling multiple purchases at reduced prices for consumption at home.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Not Upheld
05	n/a	On-Trade	The Complainant raised the issue of a licensee selling drinks at £1.	Complaint withdrawn by the Complainant when approached for information regarding the promotion.	Not Upheld
06	n/a	On-Trade	The Complainant raised the issue of a licensee selling drinks at £1.	Complaint withdrawn by the Complainant when approached for information regarding the promotion.	Not Upheld
07	30/11/2012	Off-Trade	The Complainant raised the issue of a licensee carrying out irresponsible merchandising by including soft toys in the offer.	Complaint withdrawn by the Complainant when approached for information regarding the promotion.	Not Upheld
08	03/12/2012	On-Trade	The Complainant raised the issue of a licensee selling low cost drinks.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Not Upheld
09	13/02/2013	On-Trade	The Complainant raised the issue of a licensee selling drinks below £1.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Not Upheld
10	28/02/2013	On-Trade	The Complainant raised the issue of a licensee selling drinks at £1.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Not Upheld
11	11/03/2013	On-Trade	The Complainant raised the issue that a licensee selling a bottle of spirits to be consumed on the premises was encouraging irresponsible and excessive consumption.	On further investigation by the Panel, it was noted that the licensee had controls in place that required the purchase to be made by a minimum number and that consumption was monitored. As no evidence of excessive or irresponsible consumption was discovered the Panel did not uphold the complaint.	Not Upheld

Decision	
Out-with	Does not fall within the remit of the Responsible Retailing Code
Upheld	The Panel concluded that the promotion breached the terms and conditions of the Responsible Retailing Code
Not Upheld	The Panel concluded that the promotion did not breach the terms and conditions of the Responsible Retailing Code
Official Warning	The Panel considered the information relating the complaint and advised that the premises seek advice for all future promotions

12	08/04/2013	Eivissa nightclub	<p>This was an individual complaint from an individual complaint.</p> <p>The promotion 'Messy Monday' encouraged excessive and irresponsible consumption as it encouraged people to get 'messy'.</p> <p>The language used in the promotion on Facebook was offensive and sexist, offending common decency.</p> <p>The promotion showed super soakers (water pistols) being used to dispense alcohol directly into people's mouths. In a direct breach of the Code.</p>	<p>After consideration the Panel concluded that:</p> <p>The promotion 'Messy Mondays' and associated promotions encouraged the misuse of alcohol.</p> <p>The language used and the sexual references in promotional materials were offensive.</p> <p>The promotion promoted squirting alcohol directly into the mouth. In direct breach of the Code.</p> <p>Stating: Promotions in N.I cannot suggest that alcohol consumption enhances sexual attractiveness or include promotional material that is linked to sexual imagery implying sexual success or prowess. Nor should any promotion refer to consuming alcohol to recover from over-indulgence, or glamorise excessive or irresponsible drinking, and the effects of intoxication should not be referred to in any favourable manner. Promotions cannot be disrespectful of contemporary, prevailing standards of taste and decency or degrade or be gratuitously offensive through images, symbols, figures and innuendo.</p> <p>Promotions cannot dispense a measure of alcohol in a manner that the consumer cannot regulate the amount of alcohol consumed (for example, where alcohol is dispensed directly into a person's mouth.</p> <p>The promotion 'Messy Mondays' and the associated promotional material breached the Code in all of these areas. The Panel therefore upheld all three complaints against the Eivissa Night Club in Belfast.</p>	Upheld
13	08/04/2013	Eivissa nightclub	<p>This was an individual complaint from an individual complaint.</p> <p>The promotion 'Messy Monday' encouraged excessive and irresponsible consumption as it encouraged people to get 'messy'.</p> <p>The language used in the promotion on Facebook was offensive and sexist, offending common decency.</p> <p>The promotion showed super soakers (water pistols) being used to dispense alcohol directly into people's mouths. In a direct breach of the Code.</p>	<p>After consideration the Panel concluded that:</p> <p>The promotion 'Messy Mondays' and associated promotions encouraged the misuse of alcohol.</p> <p>The language used and the sexual references in promotional materials were offensive.</p> <p>The promotion promoted squirting alcohol directly into the mouth. In direct breach of the Code.</p> <p>Stating: Promotions in N.I cannot suggest that alcohol consumption enhances sexual attractiveness or include promotional material that is linked to sexual imagery implying sexual success or prowess. Nor should any promotion refer to consuming alcohol to recover from over-indulgence, or glamorise excessive or irresponsible drinking, and the effects of intoxication should not be referred to in any favourable manner. Promotions cannot be disrespectful of contemporary, prevailing standards of taste and decency or degrade or be gratuitously offensive through images, symbols, figures and innuendo.</p> <p>Promotions cannot dispense a measure of alcohol in a manner that the consumer cannot regulate the amount of alcohol consumed (for example, where alcohol is dispensed directly into a person's mouth.</p> <p>The promotion 'Messy Mondays' and the associated promotional material breached the Code in all of these areas. The Panel therefore upheld all three complaints against the Eivissa Night Club in Belfast.</p>	Upheld

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15	09/07/2013	On-Trade	The Complainant raised a number of promotions in a single outlet that they felt breached the Code. Including low price, sexual content and a promotion suggesting the consumption of multiple units.	On further investigation by the Panel, it was noted that the promotions running presented some degree of ambiguity. Once clarified, and as no evidence of excessive or irresponsible consumption was discovered the Panel did not uphold the complaint.	Not Upheld
16	25/07/2013	On-Trade	The Complainant raised pictures on the social media pages of a premises showing people consuming spirits direct from a bottle. The location of these pictures was also of concern as they had been taken on a boat.	Following enquiries the Panel discovered that the pictures in question were of a private party and not connected to licensed premises. However, given the dangerous circumstances and the potential breach in licensing laws the Panel passed the matter to the police for further action.	Not Upheld
17	12/08/2013	Envy Bar & Nightclub	The Complainant provided screen grabs from the social media pages on a premises advertising 'pay an entrance fee and receive the same amount credited to a membership card', with redemption restricted to a given time period.	<p>After consideration the Panel concluded that:</p> <p>The 'Free Bar' promotion encouraged customers to consume alcohol to the value of £10.00 within a fixed period of two hours.</p> <p>Promotions in N.I can not condone or encourage illegal, excessive or irresponsible drinking such as binge drinking, drunkenness or drink driving, nor refer in any favourable manner to the effects of intoxication.</p> <p>The 'Free Bar' promotion and associated promotional material breached the Code in this area. The Panel therefore upheld the complaint against Envy Bar & Nightclub in Derry/Londonderry.</p>	Upheld
18	12/08/2013	Off-Trade	The Complainant supplied pictures of spirits being sold in a container that they believed to be disrespectful of prevailing standards & decency.	After consideration the Panel concluded that this complaint fell within the remit of the supplier Code and referred it to the Portman Group	Out-with

19	02/09/2013	On-Trade	The Complainant raised the issue of a 'Beat the Clock' promotion which sold drinks at a reduced price within a period of two hours.	<p>After consideration, the Panel felt that the marketing and advertising of this promotion left room for confusion and therefore the complaint was not upheld.</p> <p>The Panel recommended that the subjects of the complaint to operate with complete transparency going forward and advised that the subjects seek advice on what is considered a 'responsible promotion'</p>	Not Upheld
20	09/10/2013	On-Trade	The Complainant raised the issue of a promotion running on a Facebook page referring to 'drinking a pint in 5 seconds' believing this to promote irresponsible consumption of alcohol and relate to drinking games/speed incentives.	The Panel considered all the information available including noting that the subject of the complaint was not the licensee of the premises in question and the complaint was not upheld.	Not Upheld
21	17/02/2014	Box Nightclub - Loko	The Complainant raised the issue of a promotion which they believed to encourage irresponsible consumption of alcohol and, in addition, used language which could be deemed to be offensive, namely the phrase 'Sh*t's about to get crazy'.	<p>After consideration, the Panel concluded that:</p> <p>The promotion 'Loko' encouraged the misuse of alcohol as the Code states that no alcohol promotion in Northern Ireland will 'condone or encourage illegal, excessive or irresponsible drinking such as binge drinking, drunkenness or drinking driving nor refer in any favourable manner to the effects of intoxication'</p> <p>The language used to advertise this promotion was deemed to be offensive referring to the Code (Page 3 Point 11) 'No alcohol promotion in Northern Ireland will be disrespectful of contemporary, prevailing standards of taste and decency or degrade or gratuitously offensive through images, symbols, figures and innuendo'</p>	Upheld
22	17/02/2014	On-Trade	The Complainant raised the issue of a licensee operating a 'Booze Bus' which they believed to encourage the irresponsible consumption of alcohol and 'condone or encourage illegal, excessive or irresponsible drinking such as binge drinking, drunkenness or drink-driving, nor refer in any favourable manner to the effects of intoxication'	<p>After consideration of all the information provided and following extensive correspondence with the subject of the complaint, clarifying the context of this promotion, the Panel agreed that the complaint would not be upheld.</p> <p>The Panel, in correspondence to the subject of the complaint advised that cases of alcohol on buses was a growing concern and they would suggest a written policy be given to all persons involved as this would help to insure compliance with the Code and Legalisation.</p>	Not Upheld
23	17/02/2014	On-Trade	The Complainant raised the issue of a licensee advertising a promotion regarding the sale of alcohol (selected drinks 3 for £5) which may encourage the irresponsible consumption of alcohol.	<p>After consideration of all the evidence provided, the Panel agreed that the complaint would therefore be Not Upheld.</p> <p>However in correspondence to the subjects of the complaint, the Panel advised that all future promotion should carry the phrase 'Share with your friends'.</p>	Not Upheld
24	17/02/2014	On-Trade	The Complainant raised the issue of a promotion which encourages the excessive consumption of alcohol by selling drinks at the price of 90 pence per unit.	<p>Following consideration of all the evidence and following representation for the subjects of the complaint, the Panel agreed that this complaint would be not upheld.</p> <p>As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.</p>	Not Upheld

25	25/03/2014	On-Trade	The Complainant raised the issue of a premises offering alcohol on a '2 for 1' basis which may encourage irresponsible drinking. The Complainant provided evidence of this promotion via Facebook screenshots.	After considering all the information provided, the Panel noted that the licensee accept his mistake, but the evidence available demonstrated they tried to act within the spirit of the Code. After discussions, it was agreed that the Panel would monitor the actions of the licensee over the next 12 months and return to a decision on the matter then assessing during this period the operation of the premises in line with the Code.	Monitoring
26	25/03/2014	On-Trade	The Complainant raised the issue of a premises promoting the sale of alcohol (2 items for £6 or 2 items for £5) in a manner which may be deemed to encourage irresponsible consumption of alcohol.	After consideration of all the information and evidence provided, the Panel concluded that the complaint would be not upheld. However, in correspondence with the subjects of the complaint, the Panel advised that they felt the promotion in question left room for confusion and would strongly suggest complete transparency in all promotions going forward	Not Upheld
27	17/04/2014	On-Trade	The Complaint raised the issue of a licensee selling drinks at a price per unit which may be deemed to encourage irresponsible consumption of alcohol.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the Code.	Out-with
28	11/06/2014	On-Trade	A complaint was received against a licensee however as it fell outside the remit of the Code, it was determined to be 'out-with'.	After consideration of all the evidence, the Panel concluded that this complaint was deemed to be outside the remit of the Code	Out-with
29	11/08/2014	T Street Warehouse	The Complainant provided evidence of a promotion advertised on Facebook which contained images of a sexual nature, which alluded to the phrase '3 Way' and which could be deemed offensive.	Following consideration of all the evidence and following representation for the subjects of the complaint, the Panel determined that this promotional material did breach Section 11(k) of the Code which states No alcohol promotion in Northern Ireland will: 'be disrespectful of contemporary, prevailing standards of taste and decency or degrade or gratuitously offensive through images, symbols, figures and innuendo'. This complaint was upheld	Upheld
30	23/09/2014	Villa Belfast	The Complainant raised the issue of a promotion which may have associations with criminal behaviour and/or make direct or indirect references to drug culture or illegal drugs. The complainant provided evidence from Facebook screenshots.	The Panel invited the subjects of the complaint to attend an ICP meeting to provide evidence, information and contextual details they wished the Panel to consider. After considering all the evidence provided, the Panel determined that the premises did breach Section 11(k); that is No alcohol promotion in Northern Ireland will: have associations with bravado, violence, anti-social or criminal behaviour or make direct or indirect references to drug culture or illegal drugs in promotional material of the Responsible Retailing Code NI. Therefore, this complaint was Upheld. The Panel noted that this promotion was ceased with immediate effect and that the premises in question cooperated fully during the complaints process.	Upheld
31	23/09/2014	Thompsons	The Complainant raised the issue of a promotion which may have associations with criminal behaviour and/or make direct or indirect references to drug culture or illegal drugs. The complainant provided photographic evidence of the material being circulated.	The Panel invited the subjects of the complaint to attend an ICP meeting to provide evidence, information and contextual details they wished the Panel to consider. After considering all the evidence provided, the Panel determined that the premises did breach Section 11(k); that is <i>No alcohol promotion in Northern Ireland will: have associations with bravado, violence, anti-social or criminal behaviour or make direct or indirect references to drug culture or illegal drugs in promotional material</i> of the Responsible Retailing Code NI. Therefore, this complaint was Upheld. The Panel noted that this promotion was ceased with immediate effect and that the premises in question cooperated fully during the complaints process.	Upheld
32	31/10/2014	On Trade	The Complaint raised the issue of a licensee selling drinks at 50p, £1 and £2	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the code.	Outwith

33	04/11/2014	On Trade	The Complainant raised the issue of promotional material which could be considered demeaning to women	After consideration of all the evidence provided, the panel concluded that the as the promotional material did not refer directly to the sale of alcohol and rather an evening of entertainment, this was deemed to be outside the remit of the code	Outwith
34	01/12/2014	Off Trade	An anonymous complainant raised the issue of a premises selling alcohol to underage customers	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the code.	Out with
35	22/01/2015	On Trade	The complainant raised the issue of a licensee selling five drinks at a time at a lower cost	The Panel invited the licensee to an ICP meeting to discuss the nature of this promotion. After considering all the information available, the Panel were content that this promotion has suitable measures in place to manage alcohol consumption and determined that this complaint did not breach the Responsible Retailing Code NI. This complaint was Not Upheld.	Not Upheld
36	22/01/2015	On Trade	The complainant raised the issue of a licensee selling alcohol at £1	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the code.	Out with
37	13/04/2015	On Trade	This complaint referred to promotion whereby a £12 admission fee which is cited to have included drinks at the bar. In addition, this promotional material included inappropriate imagery and language.	Upon consideration of the information available, the Panel considered this complaint to be a legal issue; therefore this complaint was referred to the PSNI.	Out with
38	05/05/2015	On Trade	The complainant raised the issue of a licensee selling '£3 doubles all night long' with a promotional night with a title that had suggestive language.	The Panel sought additional information from the premises in respect of this promotion. Having considered all the information available, and having met with the licensee, the Panel were content that there were satisfactory measures in place to manage this promotion. The ICP commented that whilst the promotion in its entirety did not breach the Responsible Retailing Code, they advised the licensee to consider the potential for a promotion such as this to be interpreted as having breached the Code. The Panel advised the licensee to seek further advice from the Responsible Retailing Code for all future promotions.	Not Upheld
39	11/06/2015	On Trade	The complainant raised the issue of a licensee selling drinks for '£2 all night' and, in addition, the offer of a free shot upon presenting student ID.	As the Code cannot judge on price and no evidence that promotions in question encouraged irresponsible or excessive consumption was provided the complaint was deemed to be outside the remit of the code.	Out with
40	22/09/2015	On Trade	This complaint referred to a German beer festival which offered a pre-payment of 2 steins of beer each at a price of £9.50 to ensure table bookings.	The ICP requested more information in respect of the management of this event. Following consideration of all the information available, the Panel were content that there were satisfactory methods to safely manage the event in question to ensure the responsible consumption of alcohol. In addition, the Panel advised that more information should be offered on future promotional material and literature to state any rules or regulations in place and to ensure clarity on similar drinks offers moving forwards. This complaint was Not Upheld.	Not Upheld
41	22/10/2015	On Trade	This complaint referred to a promotion offering '3 Beers or 3 Bombs or 3 Shots for £6'	The ICP requested additional information in respect of the details of this promotion as the promotional material did not specify measures, drink brands or the rules and regulations of the promotion in question. The Panel considered all the information available and determined that this promotion did not, in this instance breach the Responsible Retailing Code NI. However, the Panel did advise in respect of future promotions that the promotional material carry the phrase 'Share with your friends' to discourage the irresponsible consumption of alcohol.	Not Upheld

42	23/11/2015	On Trade	This complaint related to a promotion whereby the language used, in this case 'Carnage Fridays' would appear to make reference to anti-social behaviour, bravado or the irresponsible consumption of alcohol.	The ICP requested additional information in respect of the details and specifics of this promotion. The ICP considered all the information available. The use of language (i.e. Carnage) was clarified to be a form of electronic dance music and the licensee demonstrated there were sufficient management measures were in place to safely manage the promotion to ensure alcohol was consumed responsibly. Therefore, this instance, the ICP determined that this complaint would be 'Not Upheld'. However, the Panel did advise the licensee to exercise caution and extra consideration with the use of language in all future promotions. This complaint was Not Upheld.	Not Upheld
43	04/02/2016	On Trade	The Complaint related to a promotion which promoted alcohol via a 'stock market' style simulation promotional evening which appeared to involve the reduced price of alcohol and speed incentives.	The ICP requested additional information in respect of the details and specifics of this promotion. In addition, the ICP invited the licensee to attend a Panel meeting in order to present clarification and evidence in respect of how this promotion was managed. The Panel considered all the information available and were content that measures were in place to safely manage the promotion to ensure alcohol was consumed responsibly. The Panel advised the licensee to exercise caution regarding events booked on their premises and to make clear in promotional material all information relating to the rules and regulations of promotions so that there can be no misinterpretation by the customer. This complaint was Not Upheld.	Not Upheld
44	08/02/2016	On Trade	This complaint relation to a promotion entitled 'Mega Tuesdays' which was believed to breach the core principles of the core in relation to potentially encouraging the irresponsible consumption of alcohol and the use of language which may be deemed offensive	The ICP requested additional information in respect of the details and specifics of this promotion. In addition, the ICP invited the licensee to attend a Panel meeting in order to present clarification and evidence in respect of how this promotion was managed. The Panel considered all the information available and were content that measures were in place to safely manage the promotion to ensure alcohol was consumed responsibly. The Panel advised the licensee to exercise caution with the use of potentially offensive language and to seek advice for any future promotions. This complaint was Not Upheld.	Not Upheld
45	22/08/2016	On Trade	This complaint related to a promotion whereby customers pay a door fee in order to access a 'free bar'.	The ICP considered the information relating to this complaint. As it is currently illegal to pay a fee in order to access free alcohol, this promotion was deemed to be illegal and therefore it was agreed that this complaint would be deemed 'Out-with'	Out-with
46	22/08/2016	N/A	This complaint related to a barber shop which offered complimentary alcohol to paying customers	The ICP considered the information relating to this complaint. As it is illegal to offer free alcohol which could be seen to be for commercial benefit, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
47	22/08/2016	On Trade	The complaint referred to a premises which offered an all-day 'Happy Hour' to customers	The Panel considered the information available in respect of this promotion. As the promotion did not install a set time frame on this promotion, the Panel determined that this promotion was found to be compliant with the Responsible Retailing Code NI. As a result, this complaint was seen to be 'Out-With'.	Out-with
48	22/08/2016	On Trade	This complaint referred to an event whereby for a set fee, customers could access free alcohol on a riverboat during a post-festival party.	The ICP considered the information available and noted that the practice of offering free alcohol for commercial gain is illegal. The Panel also noted that this event had been cancelled. Upon reviewing the evidence available, the Panel determined that this complaint would be 'Out-with'.	Out-with
49	14/10/2016	Off Trade	This complaint related to a barber shop which offered complimentary alcohol to paying customers	The ICP considered the information relating to this complaint. As it is illegal to offer free alcohol which could be seen to be for commercial benefit, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with

50	14/10/2016	On Trade	This complaint referred to a premises offering '5 Bombs for £10'	The ICP considered the information available in respect of this complaint. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions.	Not Upheld
51	28/10/2016	On Trade	This complaint referred to a promotion offering a Cocktail Happy Hour between 8pm and 10pm	The ICP considered the information available in respect of this complaint. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions.	Not Upheld
52	11/11/2016	On Trade	This complaint related to a promotion offering 'free rounds' for customers in fancy dress	The ICP considered the information available in respect of this complaint. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions.	Not Upheld
53	12/12/2016	On Trade	This complaint related to a promotion offering 'Bottomless Prosecco'	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
54	26/01/2017	On Trade	This complaint referred to an image shared on the Social Media account of the premises featuring a drink referred to as 'Smurf Piss'	The ICP considered the information available in respect of this complaint and noted that the images were shared from customer accounts by the premises account. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions and to consider the responsible use of Social Media.	Out-with
55	26/01/2017	On Trade	This complaint related to an image shared on the Social Media account of the premises featuring alcohol served in a 'Fish Bowl'	The ICP considered the information available in respect of this complaint and noted that the images were shared from customer accounts by the premises account. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions and to consider the responsible use of Social Media.	Not Upheld
56	03/02/2017	On Trade	This complaint referred to Daiquiris being offered at £2.50 'All Night Long'	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
57	03/02/2017	On Trade	This complaint relates to a promotional image offering 'Half Price Prosecco'	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
58	15/03/2017	On Trade	This complaint related to Guinness being offered at £1 during the Cheltenham Festival by a premises	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
59	16/03/2017	On Trade	This complaint referred to a promotion offering Buy One Get One Free on selected drinks	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
60	03/03/2017	On Trade	This complaint referred to the use of the phrase 'Patron Saint Of Swall' in respect of St Patrick's Day celebrations	The ICP considered the information available in respect of this complaint. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions.	Not Upheld
61	22/03/2017	D-Bees Off Licence	This complaint referred to the manufacturing and promotion of unofficial 'Buckfast Easter Eggs' by a premises	The Panel met with the premises in question and considered all the information available. The Panel noted that production and promotion of the product had ceased immediately however, the Panel felt that the product in question could appeal to young children.	Upheld
62	22/03/2017	On Trade	This complaint regarded a promotion involving the circulation of 'Fake Eviction Letters' sent to students in the University Area which ultimately advertised a licensed premises.	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions	Official Warning
63	19/04/2017	On Trade	This complaint referred to a promotion regarding hiding Easter Eggs containing drinks prizes	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions	Official Warning

64	09/05/2017	On Trade	This complaint referred to a poster using the phrase 'Tired As Fuck' on the outside of the premises promoting a music show.	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
65	16/05/2017	On Trade	This complaint referred to a promotion offering 'Bottomless Prosecco'	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
66	16/05/2017	On Trade	This complaint related to the use of the phrase 'Hangover Food'	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions	Official Warning
67	16/05/2017	On Trade	This complaint regarded the use of the promotion of a 'Hangover Party'	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions	Official Warning
68	21/06/2017	On Trade	This complaint referred to the promotion of a 'Bottomless Brunch' which offered alcohol	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
69	21/06/2017	On Trade	This complaint referred to the promotion of a Rock Paper Scissors game which offered Free Shots for winners	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions	Official Warning
70	07/08/2017	On Trade	This complaint related to the promotion of 'Unlimited Drinks' at a 'Bottomless Brunch'	The Panel issued an official warning to the subject of the complaint and stated that they should seek advice for all future promotions as they were a new business in Northern Ireland	Official Warning
71	25/08/2017	On Trade	This complaint referred to the promotion of a 'Find Me Bucky' phone app	The ICP agreed to monitor the use of this application but noted that it was mainly based in Scotland	Ongoing
72	22/09/2017	N/A	Pub Crawls	The Panel discussed the use of promoting Pub Crawls and discussed the responsible marketing of events at multiple premises	Ongoing
73	19/04/2018	On Trade	This promotion regarded a promotion marketed as 'SIN Wednesday'	The ICP considered the information relating to this complaint. As this promotion was deemed to be outside the remit of the Code, the ICP determined that this complaint would be deemed 'Out-With'.	Out-with
74	06/06/2018	On Trade	This promotion referred to the promotion of a 'Bottomless Brunch'	The ICP considered the information regarding this complaint. The Complaint was Not Upheld but the premises was advised to seek advice for all future promotions.	Not Upheld

Decision	
Out-with	Does not fall within the remit of the Responsible Retailing Code
Upheld	The Panel concluded that the promotion breached the terms and conditions of the Responsible Retailing Code
Not Upheld	The Panel concluded that the promotion did not breach the terms and conditions of the Responsible Retailing Code
Official Warning	The Panel considered the information relating the complaint and advised that the premises seek advice for all future promotions

THIRD EDITION OF THE CODE AND LESSONS LEARNT

The Third Report set out lessons that had been learnt from the 1st and 2nd editions of the Code, in light of the changing patterns within the industry and the emergence and increasing importance of social media as a marketing tool with which to communicate with customers.

That Report heralded some of the changes that were to be incorporated into the 3rd Edition of the Code, which came into force on 1st April 2018, especially in relation to social media and staff training.

The 3rd edition is now in force and the main changes made to it are as follows –

- Training of staff is given a much greater prominence and is highlighted throughout the Code. Comprehensive staff training is vital and evidence of it is a significant factor for the ICP when investigating a complaint. The Code also sets out more clearly what information the ICP will require to see from a licensee if a complaint is made.
- Greater prominence is also given to the fact that a licensee is responsible for all promotions run on their premises and for content on all their social media, regardless of who actually organised the promotion or posted the content. Licensees must be vigilant as to what promotions are run on their premises, and regarding what promoters and customers are posting on the premises' social media. If customers are able to post their own images and messages to the premises' platform, the Code requires that the licensee carries out regular monitoring of it to remove any material not in compliance with the Code.
- Other changes include the movement by the whole industry from "Challenge 21" to "Challenge 25", meaning that if a customer looks as though they are under 25, they should be asked for ID; the inclusion of new UK-wide industry labelling

guidelines; a new minimum period for a "happy hour" (4 hours); and, to avoid confusion, the previous provision outlawing "all you can drink" type promotions has been removed from the Code, as this is already unlawful and complaints regarding such promotions should be made directly to the PSNI.

- In addition, a new sanction has been included to enable the ICP to give a licensee an "official warning" – this may be used when the ICP finds that there has been a breach of the Code but accepts the licensee's excuse and, rather than find them "irresponsible", gives them a second chance based on the unique circumstances of the case.

Other minor changes have also been made to improve the flow and understanding of the Code. As with all previous editions of the Code, detailed guidance for the industry has been drawn up and should be read alongside the Code.

One of the benefits of the Code as opposed to legislation is that it can be amended quickly to remain responsive and relevant to changes within the industry and the wider society. The fact that a 3rd edition has been produced only 6 years after the Code first came into force is testament to this fact, and to the importance placed on responsible trading by the industry as a whole.

RESPONSIBLE RETAILING CODE NI – 3rd EDITION JANUARY 2018

MAIN CHANGES

- The entire Code is now numbered for better ease of reference.
- The Code is now gender-neutral throughout.
- Reference to other Codes, legislation and guidelines have been updated throughout.
- Training of staff is given a greater prominence throughout the Code and is highlighted upfront in paragraph 5, and in paragraphs 15-17 – these paragraphs also now spell out what the Independent Complaints Panel will require to see if a complaint is made.
- Greater prominence is also given to the fact that a licensee is responsible for all promotions run on their premises and for content on all of their social media, regardless of who actually organised the promotion or posted the content (paragraphs 11, 19 and 21).
- The general principles have been split into categories and re-ordered to make them easier to read and to improve the meaning.
- “Under 18s” has been replaced by “children” throughout.
- “Challenge 21” has been removed and the whole industry has agreed to move to “Challenge 25”.
- The new industry labelling guidelines developed by The Portman Group have been included.
- There is a new section on Social Media (paragraph 19) which sets out standards for a premises’ own social media platforms, and requires regular monitoring if customers are able to post their own images and messages to the premises’ platform.
- To avoid confusion, the previous provision outlawing “all you can drink” type promotions has been removed from the Code, as this is already unlawful and complaints regarding such promotions should be made directly to the PSNI. This is now covered in a new Appendix 2.
- The minimum period for a “happy hour” is to be 4 hours.
- The Panel may now give a licensee an “official warning” – this is where the Panel finds that there has been a breach of the Code but accepts the licensee’s excuse and, rather than find them “irresponsible”, gives them a second chance based on the unique circumstances of the case.
- Revised Industry Guidance has been drawn up and should be read alongside the Code.

THE INDEPENDENT COMPLAINTS PANEL

The membership of the Independent Complaints Panel overseeing the code is made up of a diverse group of independent professionals with extensive knowledge and experience in the alcohol, health, education and enforcement sectors.

**Chairman, Responsible
Retailing Code NI
Duncan McCausland -
Former Assistant Chief
Constable, PSNI**

Police Officer with the Police Service of Northern Ireland for almost 30 years, having been an Assistant Chief Constable for the last 9

years before his retirement in April 2011. He had extensive involvement in the national operation of Association of Chief Police Officers in the UK having been made a life member. He had, during his career as an Assistant Chief Constable, responsibility for the following areas: Corporate Support; Criminal Justice; Territorial Policing of the East of Northern Ireland and Operational Support. His role was also central in the delivery of the Patten Change Programme since 2000, part of the Good Friday Peace Agreement in Northern Ireland as well as the effective and efficient delivery of Policing Services with an annual budget of £1.2 billion. He has also advised internationally on policing on a variety of subjects in Iraq, Lebanon, Sri Lanka, Nepal, Bangladesh and the USA. He is currently a Senior Security and Justice Adviser for DFID, and is on the Strategic Investment Board and MLK Development Corporation, having previously been on the Board of Tourism NI as well as the Oversight Group for Prison Reform.



**Vice Chair – Colin Mitchell
– McCartan Turkington
Breen Solicitors**

Colin qualified as a solicitor in 1999 and has been a partner in McCartan Turkington Breen Solicitors since 2006.



He is a well-known expert in the field of licensing law in Northern Ireland and is the joint editor of the Guide to Liquor Licensing Law in Northern Ireland published by Hospitality Ulster.

Colin is a former Chair of the Belfast Solicitors' Association and continues as a member of the executive committee.

**Terry Loughins – Former
Sponsorship Manager at
Diageo**

Terry has an extensive career in the licensed trade which began at Scottish & Newcastle brewers where he spent thirteen years before moving to Guinness (now Diageo), where he spent a further twenty four years in various roles including; Sales, Promotions Manager, Events Manager, PR & Trade Relations and finally Sponsorship Manager. Terry is currently a Director of Licensed Trade Consultancy, TLC



**Meaghan Lyons –
Communications and
Development Manager,
Historic Royal Palaces**

Meaghan Lyons is a Communications & Development Manager, Historic Royal Palaces. With a background in marketing and public relations, Meaghan has worked in Canada, Northern Ireland and Scotland over the past 17 years. She has experience in both the private and public sectors and her work has included roles with the Government of Canada's Department of National Defence Army Public Affairs, The Canadian Film Centre and the Development and Alumni Relations Office at Queen's University Belfast. In 2019, Meaghan joined Historic Royal Palaces to lead on fundraising and sponsorships in Northern Ireland and the Republic of Ireland for Hillsborough Castle and Gardens.



**Lynn O'Hara – Senior
Manager, Danske Bank**

Lynn has over 39 years' experience in Danske Bank. Her roles have included Branch Manager responsible for Corporate Governance, Sales Development, Staff Development and Business Banking. She has been a Senior Private Banker managing a portfolio of top client of the bank. In 2003 she was seconded to 2013 World Police and Fire Games. She worked across the work streams and was Head of Sponsorship and Income Generation. Lynn was then seconded to work on the Titanic Showdown Carl Frampton world title fight as consultant covering sponsorship and event management. In 2014 Lynn was then seconded from Danske Bank to work as a consultant with the Ulster University Business School. This role encompassed event management, sponsorship, contracts and working closely with the SME centre. Lynn is currently Business Development Manager at Danske Bank.



**Rob Phipps – Former Head
of Health Development
Policy Branch at DHSSPS**

Rob Phipps has a background in education and public health. He was a post-primary teacher in England for 14 years before moving to Northern Ireland in 1990. Between 1990 and 2003 he worked with the former Northern Health and Social Services Board and the former Health Promotion Agency for Northern Ireland with a specific responsibility for alcohol and drugs issues. In 2000 he gained an MSc in Health Promotion.



In 2003 he joined the DHSSPS where, as Head of the Health Development Policy Branch, he was responsible for policy and strategic development in respect of alcohol and drugs, obesity and health inequalities across Northern Ireland. As part of this work, Rob was responsible for the development of the New Strategic Direction for Alcohol and Drugs (NSD) and, more recently, NSD Phase 2. Rob retired from the DHSSPS in April 2012.

**June Trimble MBE – CEO
of Youth Action Northern
Ireland**

June Trimble MBE is Chief Executive of Youth Action Northern Ireland, a leading youth work charity that improves the life chances of over 15,000 young people each year and supports over 250 local youth, community and arts groups, to improve their services for young people. June is Trustee of the Irish Youth Foundation (UK) distributing grants to youth charities across the UK and a public appointment to the Youth Council for Northern Ireland. She was awarded an MBE in 2005, for services to young people in Northern Ireland.



**Norman Trotter – Former
Commercial Head of C&C
Group operations in NI**

Norman Trotter has been involved in the NI business sector for over 30 years, most recently as the commercial head of the C&C Group operations in NI. As part of these operations, he



has been a director of C&C Belfast Ltd, Hollywood & Donnelly Ltd and Quinns-Reihill McKeown Ltd. He is a member of the Institute of Directors, the CBI and a former Chairman of the NI Drinks Industry Group.

**Mary Madden CBE – Retired - Senior Civil
Servant**

After a long and successful career in the Civil Service spanning over forty years, Mary has recently retired. A graduate of Queen's University Belfast, Mary joined the public sector in 1979 when she qualified as a Solicitor in Northern Ireland. She began her working life in The Crown Solicitor's Office where she practised law for 12 years. In 1992 Mary moved to the Northern Ireland Office where, over the following 21 years, she worked to successive Prime Ministers, Secretary of States and Ministers. In 2010 Mary was awarded the CBE in the Queen's New Year's Honours list for her work as political advisor to the Secretary of State. Mary is married with two grown up children.

RESPONSIBLE RETAILING CODE NI (extract)

INDEPENDENT COMPLAINTS PANEL

GOVERNANCE ARRANGEMENTS

1. INTRODUCTION

Responsible Retail Code NI

The Responsible Retailing Code NI (“the Code”) came into force in September 2012. The purpose of the Code is to ensure that the sale and promotion of alcohol is carried out in a responsible manner. The Code was produced on a voluntary basis by suppliers and retailers of alcohol in Northern Ireland and an Independent Complaints Panel (“the ICP”) was established to deal with complaints that arise. The work of the ICP is funded by suppliers who comprise the Joint Industry Working Group (JIWG). Membership of the JIWG is attached at Annex 1.

The Code is supported by Guidance on the implementation of the Code. A copy of this, along with illustrations on the practical application of the Code, is attached at Annex 2.

Independent Complaints Panel

The ICP is charged with considering all complaints that fall within the remit of the Code. The ICP is committed to the highest standards of governance and the arrangements set out in this document ensure that all ICP members are aware of their role and responsibilities in upholding the standards within the Code. Members of the ICP adhere to the principles of public life that are set out in Annex 3. These principles govern the conduct of the ICP.

ICP members apply the principles of effective governance by:

- Making decisions in a professional manner within the ICP’s legal framework.
- Being open and transparent in decision-making.
- Reporting to government and the JIWG by way of an Annual Report.

2. MEMBERSHIP OF INDEPENDENT COMPLAINTS PANEL

Members are appointed by the JIWG. The JIWG will endeavour to ensure that the ICP is made up of people with the necessary range of skills and experience. However, the ICP will consist of no more than 2 members with previous knowledge/ experience of the industry.

- The ICP will have a minimum of 5 members, plus a Chair.
- The quorum for meetings and decisions is 3, including the Chair.
- Members will serve for a minimum of 12 months (unless extenuating circumstances arise).
- The ICP will manage, as far as is possible, membership tenure to ensure that sufficient expertise is retained to maintain the effective operation of the complaints system. To this end a system of rolling membership timescales will operate if necessary.
- Members shall declare any conflict of interest that may arise in the consideration of a complaint (for example, involving gifts, hospitality or prior relationships) and it shall be for the other members of the ICP to determine whether or not that member takes a part in the complaint proceedings.

3. MATTERS FOR THE INDEPENDENT COMPLAINTS PANEL (ICP)

The ICP is charged with considering complaints relating to the promotion or sale of alcohol that may breach the Code. For consideration of a complaint:

- A formal complaint must be made to the ICP in writing or by email
- The complainant must be identifiable
- The sale or promotion of alcohol must be within Northern Ireland

- Where the complainant is an ICP member, they must make a formal written complaint and cannot be involved on any discussion and or the consideration of the complaint.
- Complaints that are a breach of the law will not be considered by the ICP, but will be reported to the PSNI

The ICP will meet to consider complaints at least six times each year.

Decisions by the ICP will be reached in accordance with the process set out in the Code. Decisions should be reached by consensus, but a simple majority will carry. Should there be a tie in a vote, the Chair has a second and casting vote.

A decision of the ICP Upholds a complaint against a licensee will be disseminated in summary to the local council and police, and the press will be notified

3.1 LIMITATIONS OF THE INDEPENDENT COMPLAINTS PANEL (ICP)

The role of the ICP is limited to the consideration of formal complaints on the promotion or sale of alcohol in Northern Ireland

- The ICP cannot organise, run or participate in events, research or respond to formal consultations, however;
- The Chair of the ICP may represent the ICP to give interviews and briefings in relation to the operation of the code and to promote the code to government, statutory authorities, stakeholders and the general public
- The ICP's decisions on complaints made are restricted to the following;
 - Outwith – the complaint falls outside the remit of the code
 - Not upheld – the promotion or sale of alcohol was deemed to be complaint with the code
 - Upheld – the promotion or sale of alcohol was deemed to breach the code

- Advice and Guidance – the promotion or sale of alcohol was deemed to be borderline complaint with the code, but required additional measures if undertaken again.
- Official Warning - The Panel considered the information relating the complaint and advised that the premises seek advice for all future promotions
- The ICP can only inform of the decision and cannot make recommendations on a course of actions by other organisations

The full governance arrangements are available on request.

COMPLAINTS PROCESS

HOW DO I MAKE A COMPLAINT?

MONITORING & COMPLIANCE

24. The Independent Complaints Panel is charged with investigating all complaints that fall within the remit of the Code. For the avoidance of doubt, the Panel is entitled to examine any drinks promotion about which it becomes aware which, on the face of it, the Panel deems may be irresponsible, even when a formal complaint has not been made. However, if a Panel member themselves makes a complaint to the Panel, he/she will not then take part in the consideration process. The Panel is independent of the alcohol industry. Further details on members of the Panel can be found on the Code's website.

HOW DO I MAKE A COMPLAINT?

If you think that an alcoholic drink promotional activity or sales practice might breach this Code, then you can complain to the Independent Complaints Panel.

All you have to do is to send the Panel a letter or email enclosing a flyer, photograph, screenshot or link showing the promotion and/or describe the promotion or practice in as much detail as possible. Complaints should be sent to –

Responsible Retailing Code
Independent Complaints Panel
91 University Street (Floor 3)
Belfast BT7 1HP
responsibleretailingcodeNI@gmail.com

When you make a complaint, your name and address will be treated as confidential and will not be given to the licensee about whom you are complaining, or made public, unless you have a competitive interest in the matter (ie you are a licensee) or you are making a complaint in an official capacity on behalf of a public body (for example, on behalf of a Council, a Government Department or the PSNI). In such a case, only the name and

address of the public body and/or department will be made public – the name of the individual making the complaint on behalf of the public body will still be treated as confidential. Therefore, please ensure that you enclose your name and contact details, so that we may contact you if necessary. The Panel is unable to consider anonymous complaints.

WHAT HAPPENS WHEN A COMPLAINT IS RECEIVED?

When the Panel receives your complaint –

- (a) You will be notified within 7 working days if your complaint is one which can be dealt with under the Code. If it is, it will be investigated by the Panel which generally meets monthly. If it is not, you will be given an explanation. A complaint regarding an illegal promotion will not be considered by the Panel. In such cases the complainant will be advised that the promotion is not within the remit of the Code and that the complainant should report it to the appropriate authority (see Appendix 2).
- (b) The Panel will inform the licensee that a complaint has been made and ask for their response and/or additional information.
- (c) The complaint and the licensee's response are then considered by the Panel. You will be informed when the Panel is meeting to consider your complaint.
- (d) If the Panel does not uphold the complaint, you will be given an explanation. That decision is final.
- (e) If the Panel does uphold the complaint, or is minded to do so, at that stage the decision is provisional as the licensee is given the opportunity to make further representations or provide additional evidence. This is because finding against a licensee may have serious

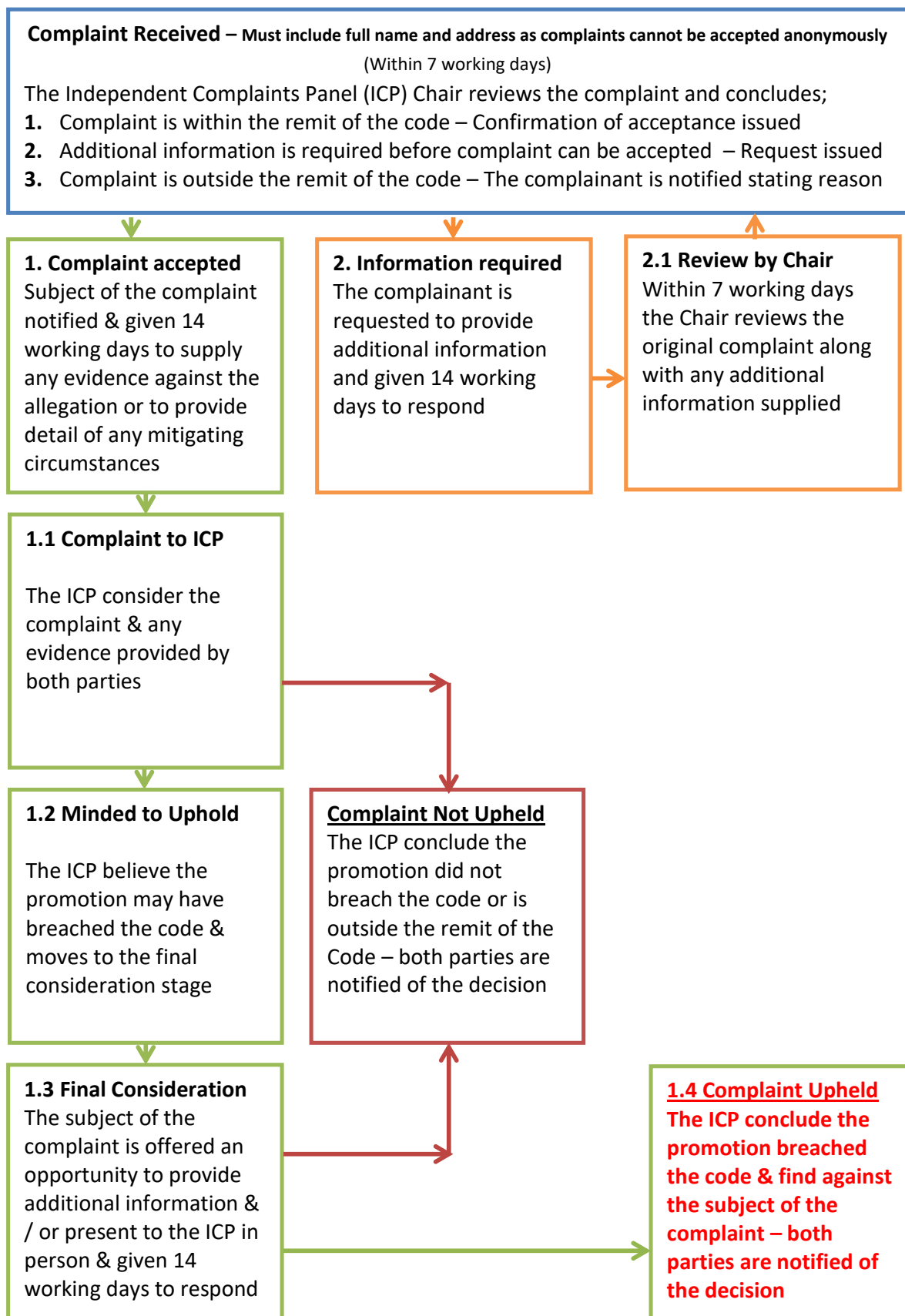
business and reputational repercussions. The Panel will usually invite the licensee to a Panel meeting so that they can further explain the promotion and any measures they have in place to ensure the responsible promotion of alcohol. The licensee may be accompanied by a friend or legal representative if they so wish. As the Code is a Joint Industry Code, the “friend” cannot be a representative of an associated trade body.

- (f) The Panel will consider these further representations before a final decision is made. If the licensee does not challenge the provisional decision, then that decision becomes final.
- (g) You and the licensee will then be informed of the Panel’s final decision. The decision will be notified to the press, and the licensee’s local PSNI and council, as well as being published on the website and in the Panel’s next Report, by way of a statement outlining the breach and the context within which the breach took place. This will indicate if a licensee sought advice in advance of the promotion and if this advice was followed.
- (h) Alternatively, the Panel may, in cases it feels appropriate, give the licensee an “official warning”. Under the terms of this warning, the licensee must accept the conditions of the warning, to include –
 - (i) The licensee accepts the decision of the Panel that the promotion broke the Code.
 - (ii) The licensee accepts responsibility for the breach.
 - (iii) The licensee understands and accepts the reason for the breach of the Code and that the defence or mitigation used in this instance will not be accepted in the case of any future complaints. *NB – proactive monitoring of licensees and premises is outside the remit of the Code and the Panel.*

Further information on how to make a complaint and the timescales involved can be found on our website – **www.responsibleretailingNI.org**

COMPLAINTS PROCESS

HOW TO MAKE A COMPLAINT



NOTE: The ICP is made aware of all complaints received and the outcome of the initial review.

FUNDERS AND SUPPORTERS

The Joint Industry Code for the Responsible Promotion and Retailing of Alcohol in Northern Ireland (2012) is funded by:

Diageo

Dillon Bass

Golf Holdings

Molson Coors

SHS Drinks

Tennent's NI

Hospitality Ulster provide the secretariat for the Independent Complaint Panel as a contribution in kind. All funding was expended in support of the operation of the Code.

The Independent Complaints Panel can call upon a number of advisors for professional guidance and assistance to ensure the proper implementation of the Code. These include:

Industry Advisors:

Hospitality Ulster

Northern Ireland Drinks Industry Group

Professional Advisors:

MaCartan Turkington Breen Solicitors – Legal Advice

Brown O'Connor – Media Support

Notes

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