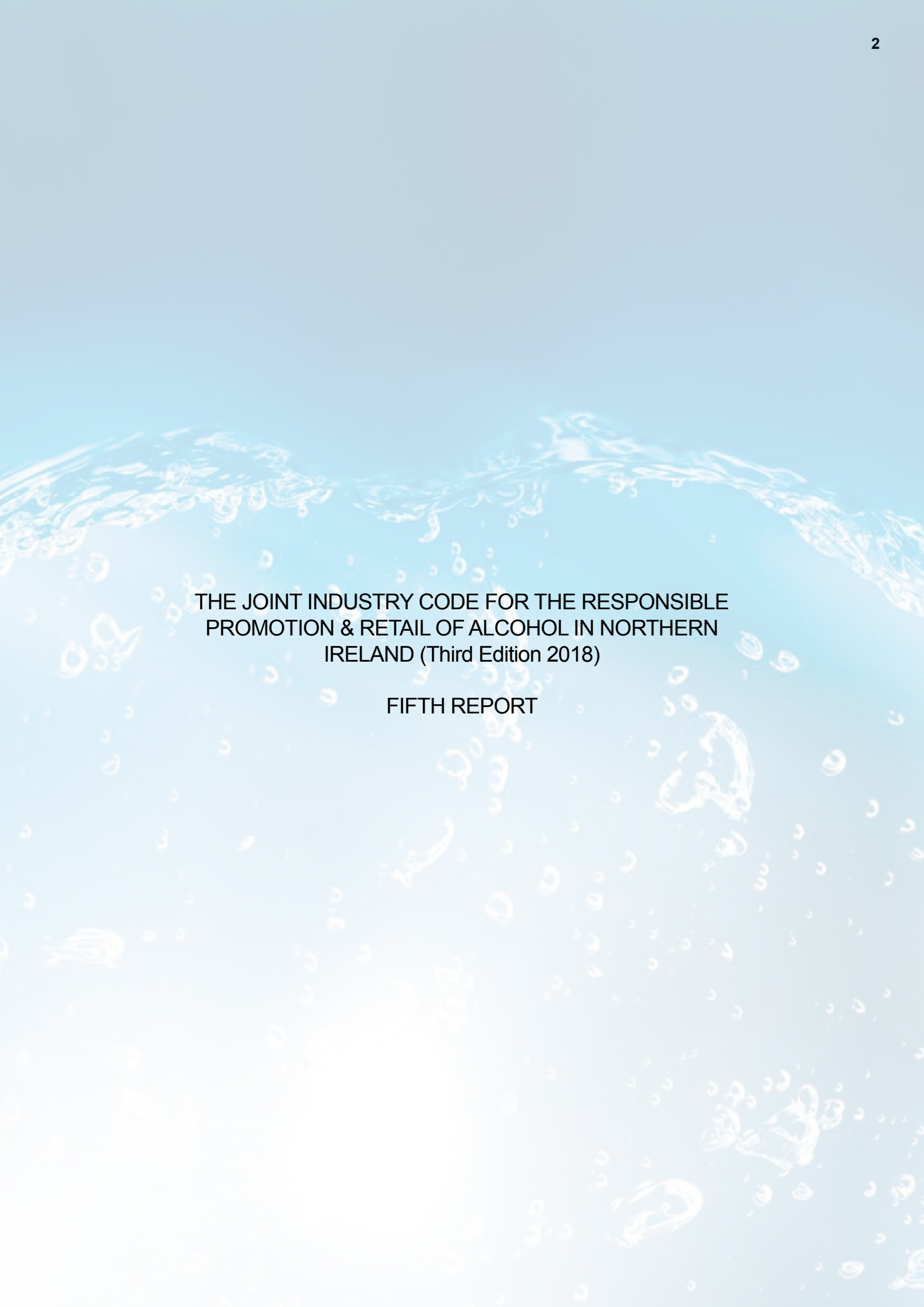




**Responsible Retailing Code NI**  
**Fifth Report**





THE JOINT INDUSTRY CODE FOR THE RESPONSIBLE  
PROMOTION & RETAIL OF ALCOHOL IN NORTHERN  
IRELAND (Third Edition 2018)

FIFTH REPORT

# CONTENTS

Introduction to Responsible Retailing Code NI	4
Message from the Chair of the Independent Complaints Panel	5
Background to the Code	8
Complaints Matrix	9
Lessons Learned	20
The Independent Complaints Panel Members	21
Governance	22
How do I make a complaint?	24
Funders & Supporters	27

# 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 sectors. 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. An application for the Code to be given statutory approval by the Department of Communities has been submitted following an open call by the Department (February 2024).

Anyone can make a complaint:

**By writing to:**

The Independent Complaints Panel  
Regus, 309, 3rd Floor  
27 – 45 Great Victoria Street  
Belfast BT2 7SL

**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](http://www.responsibleretailingcodeNI.com)

# CHAIRMAN OF THE INDEPENDENT COMPLAINTS PANEL



## **Duncan McCausland**

This is the fifth report of the Joint Industry Code on the Responsible Promotion and Retail of Alcohol in Northern Ireland. Since its inception in 2012, the industry has embraced and implemented the Code as the benchmark for responsible retailers of alcohol to follow. Developed by the industry itself, it sets out the standards expected of those involved in the sale, promotion, and service of alcohol right across Northern Ireland.

The Code has now been operational for more than twelve years. Over the span of a decade, the Independent Complaints Panel (ICP) has addressed numerous complaints. This report encompasses the timeframe from September 2018 to September 2023 and, during a significant period of this time, the Covid pandemic restrictions applied with the majority of pubs, clubs, restaurants and bars severely restricted or closed, and for the past two years the Northern Ireland Assembly has remained inactive, without ministers in place.

The Code is as relevant now as it was when it was first set up over twelve years ago. The transition from adverts in print media, flyers and posters to social media, and the likes of Facebook, X, Instagram and younger platforms like Snapchat and TikTok means the world of marketing promotions has become more complicated and often involves people from outside the drinks industry, with less industry expertise and awareness, posting promotions on social media.



The retail alcohol industry in Northern Ireland plays a crucial role in supporting our Hospitality and Tourism sectors, which is the fourth largest private sector employer. In the face of challenging circumstances, with our Hospitality and Tourism sectors still recovering from the Covid-19 pandemic and navigating a protracted cost of doing business crisis without a functioning government, our pubs, bars, restaurants and hotels are still operating and providing a quality social environment for the people of Northern Ireland while also attracting visitors from across the world.

Likewise, the Registered Clubs in Northern Ireland continue to play an important role in the social life and support of many communities across the province.

The licensed trade also includes an array of retail outlets in both standalone off-licenses and mixed trading premises, such as convenience stores and supermarkets. With over 70% of alcohol now consumed at home, all responsible retailers acknowledge the potential harm associated with alcohol misuse; promoting responsible consumption of alcohol is a fundamental principle to which the whole industry must and does subscribe. This is why the Code continues to be an effective and practical tool to help all licensed premises promote alcohol consumption in a way that provides consumers with a value offer whilst ensuring promotions do not encourage over consumption or misuse of alcohol.

Throughout the life of the Code, we have seen fewer and fewer irresponsible promotions as awareness of the Code has grown, and the industry has adopted the code as a minimum standard for promotions. In an ideal world we would have no irresponsible promotions and therefore no complaints to the Code's Independent Complaints Panel.

However, for the small number of licensed premises that have been tempted to market promotions irresponsibly, the ICP upheld two complaints against premises - a 'buy one get one free' promotion, and a promotion that may have encouraged alcohol consumption by young people. In so doing the Code and the ICP have been able to react, consistently demonstrating that self-regulation remains an effective tool to ensure alcohol is sold in a responsible manner.

Since the lifting of Covid restrictions we have witnessed the growing popularity of 'bottomless brunch' type promotions as premises seek to offer value promotions in what is a very challenging financial environment for both consumers and businesses.

In essence, this type of promotion is not irresponsible if operated properly; however, after receiving nine complaints this year the ICP issued a warning to hospitality premises to reinforce the message that promotions should not encourage people to drink more than they would have otherwise intended. The Panel also issued guidance to the wider industry with a sample set of Terms and Conditions that should always accompany 'bottomless' promotions.

In the last report, we welcomed the third edition of the Code which reflected changing patterns within the industry and the prevalence of social media and its importance as a marketing tool. Since the implementation of the third edition over the last number of years, I am pleased that businesses are now prioritising comprehensive staff training, with this being a key factor for the ICP when investigating a complaint. I am also aware that more and more courts are asking for proof that staff have been trained on serving alcohol responsibly before issuing liquor licences.

Other changes encompass the establishment of a minimum 'happy hour' duration (4 hours), as well as a movement by the whole industry from Challenge 21 to Challenge 25, meaning that if an individual appears to be under the age of 25, they should be asked for ID.

The evolving nature of the Code means that the industry remains steadfast in its commitment to promoting the safe consumption of alcohol for everyone visiting our hospitality venues in Northern Ireland. It creates the ideal setting for businesses to guarantee the wellbeing and enjoyment of their customers in a safe atmosphere.

Whilst consumption of alcohol in the off-licence market remains at the discretion of the consumer, the safe promotion of alcoholic products remains firmly with the licensees, and they must remain mindful not to encourage over consumption either.

The effectiveness of the Code to date would not have been possible without the support of the industry and commitment of the Independent Complaints Panel members who voluntarily give up their time to support the oversight of the Code. We must extend our gratitude to the industry organisations whose voluntary funding allows the ICP to maintain its operations without undermining its independence.

I would like to conclude by once again personally extending my gratitude to all the dedicated members of the ICP who generously devote their time to uphold the Code's principles for the benefit of everyone in Northern Ireland, ensuring responsible alcohol promotions and consumption.



**Duncan McCausland**  
**Chair of the Independent Complaints Panel**

# BACKGROUND TO THE CODE

In 2011, the then Minister for the Department for Social Development gave the industry the opportunity to self-regulate its drinks promotions, rather than bringing into force Article 57A of the 1996 Order (and Art 31A of the Clubs Order) as amended by the Licensing & Registration of Clubs (Amendment) Act (NI) 2011. The legislation would have, in effect, spelled the end for any drinks promotions in Northern Ireland.

A steering group was formed, chaired by the NI Drinks Industry Group, and made up of representatives from (the now) Hospitality Ulster, NI Federation of Clubs, NI Hotels Federation, NI Retail Consortium and Retail NI. The first edition of the Code was launched in May 2012 and came into force on 1 September 2012. The second edition came into force on 31 July 2014 and the third on 1 April 2018. Detailed guidance has accompanied each edition and has been updated as the need has arisen over the years.

Complaints under the Code are dealt with by the Independent Complaints panel, chaired by Mr Duncan McCausland since its inception. Four reports on the operation of the Code have been published previously; the Forward of each has been written by subsequent Ministers and most recently by the Permanent Secretary. The Panel has received around 100 complaints over the years (with a long hiatus due to Covid).

The Code has been successful over the years in staving off any further calls for the legislation banning drinks promotions to be implemented in full as the industry has shown that it can effectively self-regulate and act responsibly.

The Department of Communities is now accepting relevant codes of practice for approval. Once approval is given by the Department, ALL applicants for liquor licenses (whether they are members of a sponsoring trade association or not) will need to satisfy the court that they are aware of their responsibilities under it as part of the license grant or renewal procedure.

The Joint Industry Group have now applied for this approval by the Department of Communities, a move that will reinforce the Code's role in ensuring that alcohol is promoted in a responsible manner across the various outlets retailing alcohol.



# 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	On-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
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.</p> <p>Promotions cannot be disrespectful of contemporary, prevailing standards of taste and decency or degrade or be gratuitously offensive through images, symbols, figures and innuendo. 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.</p>	Upheld

				<p>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>	
14	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>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
15	09/07/2013	On-Trade	<p>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.</p>	<p>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.</p>	Not Upheld
16	25/07/2013	On-Trade	<p>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.</p>	<p>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.</p>	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 cannot 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 &amp; 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.	<p>After consideration the Panel concluded that this complaint fell within the remit of the supplier Code and referred it to the Portman Group</p>	Out-with
19	02/09/2013	On-Trade		<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.	<p>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.</p>	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**ts 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.	After consideration of all the evidence provided, the Panel agreed that the complaint would therefore be Not Upheld.  However, in correspondence to the subjects of the complaint, the Panel advised that all future promotion should carry the phrase 'Share with your friends'.	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.	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.  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
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 accepts 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 (No further breaches identified)
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 <i>No alcohol promotion in Northern Ireland will: 'be disrespectful of contemporary, prevailing standards of taste and decency or degrade or degrade of gratuitously offensive through images, symbols, figures and innuendo'</i> . 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 <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
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.	Out-with
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	Out-with
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
75	20/03/2019	On Trade	This complaint referred to the promotion of 2 for 1 cocktails; bottle service promotion and length of happy hour	The ICP issued an official warning letter to the licensee	Out-with
76	11/06/2019	On Trade	This complaint referred to the promotion of a 'Boozy Brunch' promotion.	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
77	21/06/2017	On Trade	This complaint referred to a 'Drinks Exchange' promotion.	The ICP considered the information who determined this relates more to pricing/stock and is therefore Outwith	Out-with
78	26/07/2019	On Trade	This complaint referred to 'Project X A Level Results' offering cheap shots, slushies and doubles.	The ICP considered the complaint and it was Upheld. An official warning letter was issued to the licensee.	Upheld
79	Unknown	On Trade	This complaint referred to a promotion of unlimited drinks after entry fee.	This was referred to the Police who dealt with the issue.	Out-with
80	26/08/2022	On Trade	This complaint referred to a 'Bottomless Dinner' promotion.	The ICP considered the complaint and on viewing the terms and conditions there was no breach identified.	Out-with

81	17/10/2022	On Trade	This complaint refers to the Promotion for '99p for 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
82	29/06/2022	On Trade	This complaint refers to a 'Bottomless Brunch' promotion.	The ICP considered the complaint and a letter of advice and warning was issued to the licensee	Advice and Guidance
83	29/06/2022	On Trade	This complaint refers to a 'Bottomless Brunch' promotion.	The ICP considered the complaint and a letter of advice and warning was issued to the licensee	Advice and Guidance
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89	29/06/2022	On Trade	This complaint refers to a 'Bottomless Brunch' promotion.	The ICP considered the complaint and a letter of advice and warning was issued to the licensee	Advice and Guidance
90	29/06/2022	On Trade	This complaint refers to a 'Bottomless Brunch' promotion.	The ICP considered the complaint and a letter of advice and warning was issued to the licensee	Advice and Guidance
91	29/06/2023	Off Trade	This complaint refers to the promotion of ice cocktails.	The ICP considered the complaint and deemed no breach and out-with by the panel.	Out-with
92	29/06/2023	Off Trade	This complaint refers to the promotion of ice cocktails.	The ICP considered the complaint and deemed no breach and out-with by the panel.	Out-with
93	29/06/2023	Services Club, Ballymena	This complaint refers to a 'Buy One, Get One Free' promotion	The ICP considered the complaint and deemed this a breach.	Upheld

Decision	
<b>Out-with</b>	Does not fall within the remit of the Responsible Retailing Code
<b>Upheld</b>	Upheld The Panel concluded that the promotion breached the terms and conditions of the Responsible Retailing Code
<b>Not Upheld</b>	Not Upheld The Panel concluded that the promotion did not breach the terms and conditions of the Responsible Retailing Code
<b>Advice and Guidance</b>	The promotion or sale of alcohol was deemed to be a borderline complaint with the code but required additional measures if undertaken again.
<b>Official Warning</b>	Official Warning The Panel considered the information relating the complaint and advised that the premises seek advice for all future promotions

# LESSONS LEARNED

Since the publication of the fourth report, there has been a rise in popularity of 'bottomless brunch' type promotions as premises seek to offer value promotions. These are not necessarily irresponsible if operated properly.

However, after receiving nine complaints relating to 'bottomless' promotions, the ICP issued a warning to hospitality

premises to reinforce the message that promotions should not encourage people to drink more than they would have otherwise intended. The Panel also issued guidance to the wider industry with a sample set of Terms and Conditions that should always accompany 'bottomless' promotions, as follows -

## **Bottomless Promotions- Sample Terms & Conditions:**

1. "Bottomless" does not mean an unlimited supply of alcoholic drinks.
2. We reserve the right to refuse service to customers who, in our opinion, appear to be intoxicated.
3. Drinks included in the offer must be served with food. Customers cannot use the promotion for drinking purposes only.
4. During the promotion, drinks will only be served in standard measures.
5. All drinks included in the offer are served by table service only, or with alternative management controls that ensure responsible consumption.
6. Customers are only allowed to have one drink at a time under the promotion. A customer will not be served until he/she has finished the drink they have.
7. Post promotion drinks are sold at the prevailing price.



# INDEPENDENT COMPLAINTS PANEL MEMBERS (February 2024)

Duncan McCausland (Chair)

Katie Campbell

Rob Phipps

Meaghan Lyons

Mary Madden

Tahnee McCorry

Dr Anne Campbell

Patrick McKenna

Terry Loughins

# GOVERNANCE

## 1. INTRODUCTION

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 along with the relevant industry bodies comprise the Joint Industry Working Group (JIWG).

The Code is supported by Guidance on the implementation of the Code.

### Independent Complaints Panel (ICP)

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 to 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. 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 a regular 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. 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 in 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 as required.

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.

If a decision of the ICP upholds a complaint against a licensee it 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;
  - o Out-with – the complaint falls outside the remit of the code.
  - o Not upheld – the promotion or sale of alcohol was deemed to be complaint with the code.
  - o Upheld – the promotion or sale of alcohol was deemed to breach the code.
  - o Advice and Guidance – the promotion or sale of alcohol was deemed to be a borderline complaint with the code but required additional measures if undertaken again.
  - o Official Warning - The Panel considered the information relating to 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

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.

Simply 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  
Regus, 309, 3rd Floor  
27-45 Great Victoria Street  
Belfast BT2 7SL  
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 (i.e. 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?

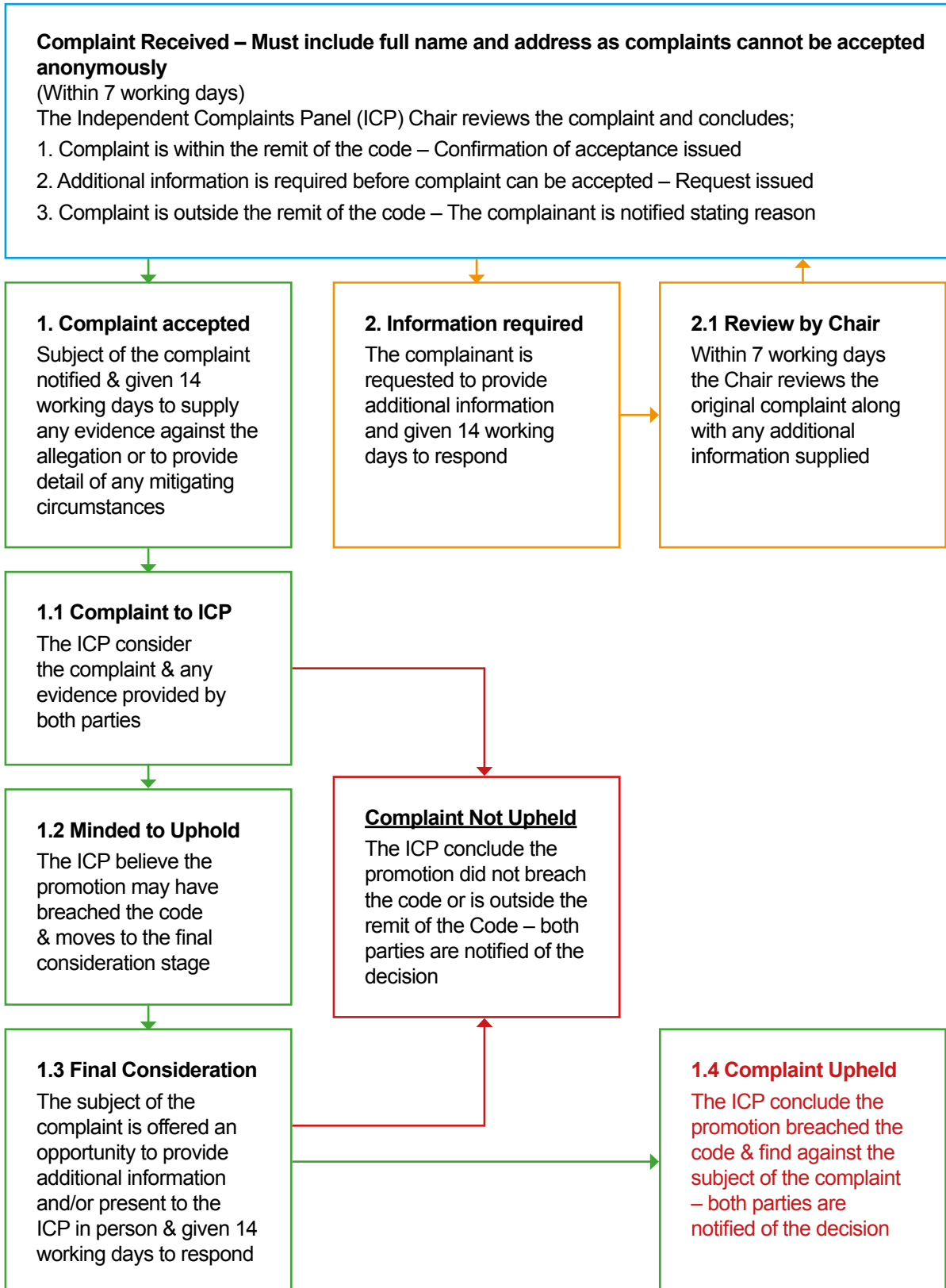
When the Panel receives your complaint

- (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.
- (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.responsibletradingNI.org](http://www.responsibletradingNI.org)

# COMPLAINTS PROCESS

## HOW DO I 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:

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*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

