



Responsible Retailing Code NI

Annual Report 2013/14



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

ANNUAL REPORT 2013/14



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RESPONSIBLE RETAILING CODE NI

The Joint Industry Code for the Responsible Promotion and Retail of Alcohol in Northern Ireland (2012) was launched on the 23rd May 2012 and revised in August 2014 with the publication of the second edition.

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. It is hoped that compliance with the Code will eventually become a condition of the granting or renewal of both liquor and entertainment licenses across Northern Ireland.

Overseeing the implementation and enforcement of 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 sectors. The body is responsible for overseeing the compliance of the industry with the Code and considering complaints made with regard to promotions that may be in breach of the terms 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.



Social Development Minister, Nelson McCausland, is pictured at the launch of The Joint Industry Code for the Responsible Promotion and Retail of Alcohol in Northern Ireland, along with members of the independent complaints panel charged with overseeing the implementation and enforcement of the code.

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



MERVYN STOREY MLA MINISTER FOR SOCIAL DEVELOPMENT

I am pleased to welcome the publication of the second annual report on the Responsible Retailing Code NI.

I am pleased to welcome the publication of the second annual report on the Responsible Retailing Code NI.

I am encouraged by the positive response of the industry towards the Code and by the role of the Independent Complaints Panel in investigating complaints and encouraging compliance with the Code. I also welcome the inclusion of a further commitment in the Code that all reasonable steps will be taken to ensure that alcohol is not supplied, promoted or consumed on transport taking customers to or from events held in licensed premises where such transport is provided by the premises or person organising the event.

The introduction of the Code in 2012 followed changes to the law in 2011 aimed at reducing the harmful consumption of alcohol in Northern Ireland and the associated burden on public health. Although progress is being made in this area, recent figures in relation to alcohol misuse are still staggering. In the 2013 Adult Drinking Patterns Survey, over three quarters of respondents (77%) reported weekly drinking levels that would be considered moderate. Around one-fifth (19%) consumed alcohol at levels which were hazardous and 4% reported harmful levels of drinking.

Provisional figures from the Northern Ireland Statistics and Research Agency also show that 236 people in 2013/14 had died directly as a result of alcohol misuse with 12, 255 admissions to hospitals with an alcohol related diagnosis in 2012/13.

I understand that the majority of people drink sensibly and I also have no problem accepting that responsibly served and well managed promotions are a legitimate way of maintaining and developing business. However, there remains a widespread concern that cheap drink promotions send out the wrong message in terms of responsible drinking. In response to this concern, alcohol licensing law introduced in 2013 banned price based promotions such as 'All you can drink for £20', as such a sales practice cannot be allowed to continue.

I am also supporting Health Minister, Jim Wells, who has recently announced his plans to introduce Minimum Unit Pricing for alcohol in Northern Ireland. While I accept that this will not solve all out society's problems with alcohol, the available evidence clearly demonstrates that it has the potential to have a significant, positive impact and ultimately save lives.

I intend to provide further support to the Code by including a measure in an alcohol licensing bill, to be introduced in the Assembly during the current mandate, which will provide statutory approval for industry codes of practice. This would mean that a breach of the Code could lead to court imposing conditions in relation to the continuation of a licence or certificate of registration.

I am satisfied that for the time being however that the Responsible Retailing Code, rather than the introduction of more regulations to end irresponsible drink promotions, is the correct approach.

I believe this Joint Industry Code coupled with existing regulations will help curb bad practice in relation to alcohol promotions and will encourage a change in the drinking culture of Northern Ireland.

Mervyn Storey MLA
Minister for Social Development
January 2015



CHAIRMAN OF THE INDEPENDENT COMPLAINTS PANEL, DUNCAN McCAUSLAND

This is the second annual report for the Joint Industry Code on the Responsible Promotion and Retail of Alcohol in Northern Ireland. Since its establishment, the Code has been accepted by the industry as the standard to which responsible retailers of alcohol should adhere. The second edition of the Code was published by the industry in August 2014 to take account of emerging trends and areas of concern.

The Code has been in operation for over two years, during which time the Independent Complaints Panel (ICP) have dealt with 35 complaints of which 6 have been upheld. During this year's operation the ICP has dealt with 11 complaints of which 2 were upheld. The ICP have also referred complaints to other statutory bodies including local councils, the police and The Portman Group. The ICP has been particularly encouraged by an increase in engagement with the industry on the operation of the Code.

Irresponsible drinks promotions are of significant concern for society and the industry given the potential harm of increasing alcohol abuse and misuse in Northern Ireland. Whilst it is recognised that responsible promotions are effective marketing tools and legitimate business activity it was agreed, by the industry, that a standard should be set for licensees to deal with promotions that encourage the irresponsible consumption of alcohol.

In short, the Code is a way for the industry to say that it is determined to work with its partners and statutory bodies on the responsible retail and promotion of alcohol so that activities which encourage the irresponsible consumption of alcohol will become a thing of the past.

It is also encouraging to note that the Department for Social Development has also recognised the role the voluntary Code can play in regulating the promotion of alcohol. In the recently published proposals for amending liquor licensing law, the Minister for Social Development stated that he would wish to give statutory weighting to voluntary codes. This would add weight to the Panel's decision on the operation of the Code.

In effect, this would mean that any actions or decisions taken by the ICP against a licensee should be considered as part of the renewal of liquor or entertainment licences in future. We will continue to work with the Minister to make this aspiration a reality.



Independent Complaints Panel chairman Duncan McCausland at the launch of the Responsible Retailing Code (May 2012)

Aside from dealing with formal complaints, the Panel has continued to provide advice, as requested, on proposed promotions as well as dealing with matters as they arose; one of which was the issue of drinking alcohol on buses. The Panel, along with the industry, moved quickly to address promotions that encouraged drinking alcohol on buses and coaches.

In conclusion I would wish to thank the industry organisations who, through their funding, make it possible for the ICP to continue our work. Finally, I thank my colleagues on the Independent Complaints Panel for their dedication and commitment to upholding this Code for a second year and we look forward to continuing to work effectively and positively with all the relevant stakeholders.

Duncan McCausland
Chair of the Independent Complaints Panel

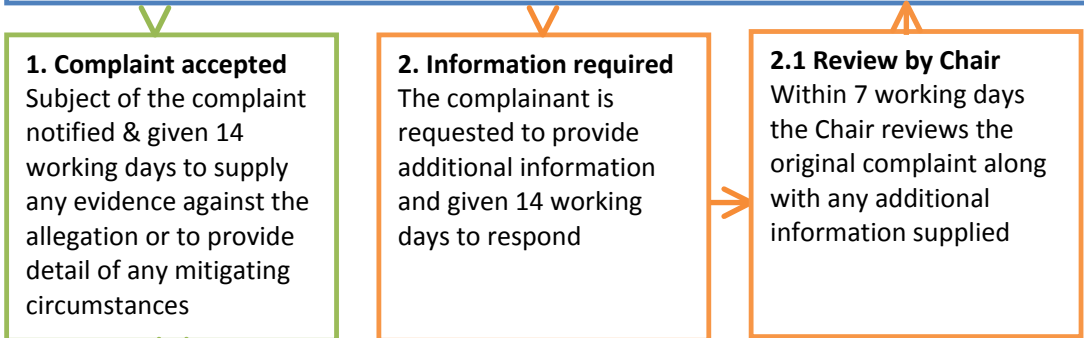
THE COMPLAINTS PROCESS

HOW TO MAKE A COMPLAINT

Complaint Received – Must include full name and address as complaints cannot be accepted anonymously
(Within 7 working days)

The Independent Complaints Panel (ICP) Chair reviews the complaint and concludes;

1. Complaint is within the remit of the code – Confirmation of acceptance issued
2. Additional information is required before complaint can be accepted – Request issued
3. Complaint is outside the remit of the code – The complainant is notified stating reason



1.1 Complaint to ICP
The ICP consider the complaint & any evidence provided by both parties

1.2 Minded to Uphold
The ICP believe the promotion may have breached the code & moves to the final consideration stage

1.3 Final Consideration
The subject of the complaint is offered an opportunity to provide additional information & / or present to the ICP in person & given 14 working days to respond

Complaint Not Upheld
The ICP conclude the promotion did not breach the code or is outside the remit of the Code – both parties are notified of the decision

1.4 Complaint Upheld
The ICP conclude the promotion breached the code & find against the subject of the complaint – both parties are notified of the decision

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

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 Upheld	Does not fall within the remit of the Responsible Retailing Code
Not Upheld	The panel concluded that the promotion breached the terms and conditions of the Responsible Retailing Code
	The panel concluded that the promotion did not breach the terms and conditions of the Responsible Retailing Code

Ref	Number	Date Opened	Subject	Nature of Complaint	Decision / Notes Outcome
12	08/04/2013	Eivissa nightclub	There were three individual complaints from three separate complainants; namely:	After consideration the panel concluded that:	Upheld
13	08/04/2013	Eivissa nightclub	The promotion 'Messy Monday' encouraged excessive and irresponsible consumption as it encouraged people to get 'messy'.	The promotion 'Messy Mondays' and associated promotions encouraged the misuse of alcohol.	Upheld
14	08/04/2013	Eivissa nightclub	The language used in the promotion on Face Book was offensive and sexist, offending common decency. The promotion showed super soakers (water pistols) being used to dispense alcohol directly into people's mouths. In a direct breach of the code.	The language used and the sexual references in promotional materials were offensive. The promotion promoted squirting alcohol directly into the mouth. In direct breach of the code. 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. 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. 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.	Upheld
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.	After consideration the panel concluded that: The 'Free Bar' promotion encouraged customers to consume alcohol to the value of £10.00 within a fixed period of two hours. 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. 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.	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

Ref	Number	Date Opened	Subject	Nature of Complaint	Decision / Notes Outcome
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

Ref	Number	Date Opened	Subject	Nature of Complaint	Decision / Notes Outcome
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 accepted 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

LESSONS LEARNT

Review of the Code

Since the first edition of the Code was published in 2012, the industry and the Panel which oversee it have been determined to ensure that it remains relevant and responsive to changes and events within the industry. Indeed, the advantage of the Code, as opposed to legislation, is the fact that it can adapt and evolve relatively quickly in response to external events. As a result the industry has made a number of changes to reflect events or promotions which took place within the past year.

Of particular concern to the industry was the practice of some bus and coach operators who had been promoting the consumption of alcohol onboard their vehicles. It was therefore agreed that a new addition should be made to the Code to reflect the practice of 'pre-loading' on buses.

The Code inserted the following clause in response to the incident:

13. In addition, we commit to the following –

(g) If we, or someone hiring or using our premises (as in paragraph 10 above), provide transport to or from our premises (for example, a bus which collects customers from various pick-up points), we will take all reasonable steps to ensure that alcohol is not supplied, promoted and/or consumed on the bus.

This clause means that there is now an additional responsibility on licensees to take steps to ensure that transport that is provided by them (or someone hiring their premises) to or from their premises must not permit, promote or allow the consumption of alcohol on board the bus.

It is important to note that whilst licensees will be encouraged to take all reasonable steps to ensure this, enforcement by the PSNI and DVA must also be examined as it is already illegal to drink on buses and yet the practice has continued in spite of this.

Awareness building

The Code has had a successful first year and the ICP has been keen to build upon this by continuing to raise awareness and encourage people to come forward to the Panel where and when they have concerns about promotions. The Code can only operate successfully if it is supported by both those in the alcohol industry and also the general public. Over the last year, the ICP has continued to travel around Northern Ireland, visiting licensed premises and talking to people to hear and see first-hand how

promotions are being managed and perceived. The ICP see this work as a central part of the Panel's responsibilities to the Code and will continue to engage with stakeholders as one of the core commitments in upholding and supporting the Code.

It is no secret that a proportion of the population in Northern Ireland regularly engages in harmful drinking practices and, of course, the driving force behind the Code is the desire to see a reduction in those harmful practices. Through its commitment to the Code, the alcohol industry has demonstrated that it will play its part in trying to change social attitudes and behaviours towards consuming alcohol. However, this cannot happen in isolation and we must also work on co-operation with the Northern Ireland Executive, government departments, statutory agencies and key stakeholders to educate people, of all ages, about the dangers of drinking irresponsibly.

The Role of Social Media

Social Media continues to play a huge role. Many licensees use Social Media as a forum for providing information to consumers about new promotions they are running, drinks they have on offer and entertainment they are providing. Social Media is a valuable tool because it is free, very easy to use and can generate a number of conversations with consumers. Social Media can also create 'a buzz' about events, products and promotions being run by licensees. Indeed, during the first year of the Code in operation, a significant amount of complaints made to the Panel came as the result of promotions that were flagged on Social Media outlets such as Facebook. Whilst it is no doubt encouraging that the trade are aware of the power of Social Media for marketing purposes, and as a result are using it frequently, they must ensure that what they are promoting on Social Media is promoted responsibly.

Engagement and Support

In July, the Minister for Social Development announced his intention to make a reform of the laws governing alcohol sales in Northern Ireland. Part of this was a commitment to codify in law those voluntary codes which promote the responsible sale of alcohol.

The Panel overseeing the Code will continue to keep the Minister apprised of its progress and findings as we have done since its establishment. The Panel will also continue to work closely with the PSNI and local councils to ensure they are aware of breaches in their areas.

Responsible Promotion and Retail of Alcohol in Northern Ireland 2nd Edition July 2014 – Amendments

The 1st edition of the Joint Industry Code for the Responsible Promotion and Retail of Alcohol in Northern Ireland (2012) was established on 1st September 2012. The 2nd edition does not change the Code, but makes some clarifications and adds paragraph numbering for ease of reference. This 2nd edition (2014) was established on 31st July 2014.

CODE PRINCIPLES – Promotion of Alcohol

10. It is up to a licensee to ensure that any promotion run on or in association with his premises, whether designed in-house or run by an outside company, independent promoter or someone who hires his premises, is responsible and complies with this Code. A licensee is responsible for every promotion run on or in connection with his premises from which he derives an economic benefit, for example, bar receipts or room hire (see example in paragraph 15 below).

FURTHER COMMITMENTS

13. In addition, we commit to the following –

(q) If we, or someone hiring or using our premises (as in paragraph 10 above), provide transport to or from our premises (for example, a bus which collects customers from various pick-up points), we will take all reasonable steps to ensure that alcohol is not supplied, promoted and/or consumed on the bus.

EXAMPLES OF IRRESPONSIBLE PROMOTIONS

15. In addition, as referred to in paragraph 10 above, a licensee is responsible for any promotion run on or in association with his premises from which he receives an economic benefit. *For example, a promoter organises entertainment on a premises and in return keeps the door receipts. The licensee keeps the bar takings. If that promoter runs a competition on the premises which is deemed to fall foul of this Code (e.g. person downing a pint in the fastest time gets a free drink - contrary to paragraph 14(h)), it is the licensee who is held responsible.*

EXAMPLES OF RESPONSIBLE PROMOTIONS

18. The following are examples of promotions which are generally regarded as reasonable:
(a) Whilst it will generally be irresponsible to reduce the price of alcohol for a period of time shorter than 1 day, reduced prices for a shorter period of time may be responsible in certain cases. However, no price reduction is reasonable if it encourages irresponsible consumption. It is up to the outlet to demonstrate how any price reduction is responsible through responsible serving and monitoring practices. In addition, prices may be increased within the time period if any concerns about the responsibility arise and the licensee acts in good faith. Neither do promotions, in this sense, include the discounting of damaged stock, which can be legitimately reduced as compensation for an inferior product.

MONITORING & COMPLIANCE

20. 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 which, on the face of it, the Panel deems may be irresponsible, even where 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.** Further details on members of the Panel can be found at www.responsibleetailingcodeNI.org

How do I make a complaint?

23. When you make a complaint, **your name and address will be treated as confidential** and will not be given to the licensee you are complaining about 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 or the PSNI*). Therefore please ensure that you enclose your name and contact details, so that we may contact you if necessary.

Please note that complaints cannot be accepted if they are submitted anonymously.

Where the complainant is representing a public body, only the name 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.***

What happens when a complaint is received?

24. When we receive your complaint, we will follow the following procedures -
(b) The Panel will inform the company that a complaint has been made and ask for their response **and/or additional information (see also paragraph 27 below, there is no paragraph 27 in this extract)**.

(f) You and the company are then informed of the Panel's final decision. The decision will be notified to the press, the company's local PSNI and Council, as well as being published on the website and in the Annual Report **(however, see also paragraph 26 below)**.

25. When a complaint is received, the Panel may write to the complainant and or licensee in question and request additional information in relation to the promotion (*see complaints procedure*). After reviewing the information, the Panel may invite the licensee to an ICP meeting so that they can further explain the promotion and any measures they have in place to ensure the responsible promotion of consumption of alcohol. The licensee may be accompanied by a friend or legal representative if they so wish. As the Responsible Retailing Code NI is the Joint Industry Code, the 'friend' cannot be a representative of an associated trade body.

26. If the Panel finds that a promotion has breached the Code it will normally issue a statement outlining the breach and the context in which the breach took place (*paragraph 24(f) above*). This will indicate if a licensee sought advice in advance of the promotion and if this advice was adhered to. Alternatively, **in certain circumstances**, the Panel may decide to issue advice and warning to the licensee or to suspend judgment for a period of time and monitor the licensee's use of further alcohol promotions in relation to demonstrating a responsible approach in line with the current Code of Practice.

THE INDEPENDENT COMPLAINTS PANEL

ASK MEMBERS FOR UPDATES

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

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 Northern Ireland Tourist Board, MLK Development Corporation as well as the Oversight Group for Prison Reform.

Vice Chair – Deborah Donnelly – Former Deputy Chief Executive of the Northern Ireland Policing Board

Debbie has had a long career in the public sector at senior level. During which



time she was involved in many of the large scale high profile transformation programmes within the Northern Ireland public sector, such as the Review of Public Administration and the Review of Criminal Justice. She has a wide range of experience in accountability, corporate governance, strategic development, equality and evidenced based policy.

Terry Loughins - former Sponsorship Manager at Diageo

Terry has an extensive career in the licensed trade which began at Scottish & Newcastle brewers (now Heineken) where he spent thirteen years before moving to Guinness NI (now Diageo), where he spent a further twenty four years in various management roles that started from; Sales to Trade Promotions Manager, Events Manager, PR & Trade Relations Manager and finally to Sponsorship Manager. After retiring from Diageo in 2010 he set up Terry Loughins Consulting (TLC). Terry is currently working as Regional Manager for Card-Line, (a referral company for Lloyds/Cardnet), and as a Liaison Manager for The Mitre Trust at Musgrave Park Hospital.



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

Norman retired as the Director in charge of the Cantrell and Cochrane group interests in N. Ireland after 30 years in the drinks trade in N. Ireland. He is a Partner and Director in two Bicycle touring Companies operating in Ireland and further afield. Norman is a Commissioner in the Equality Commission for Northern Ireland and a Non Executive Director with the Northern Ireland Co-ownership Housing Association.



Koulla Yiasouma - Director of Include Youth

Koulla trained as a social worker, has worked in probation and in NI Women's Aid as Regional Helpline Coordinator. Koulla has an MBA with the Open University. She has been in her current post since 1998. Include Youth is an organisation that works to promote the rights of and best practice with young people in need or at risk. The organisation undertakes children's rights-based policy commentary and advocacy on a range of issues including criminal justice, social care, employment and the education of looked after and marginalised children and young people. Include Youth engages directly with young people to enhance the employment and training skills of excluded young people aged 16 to 21 as well as Young Voices, a participation project for young people who have experienced the criminal justice system. Koulla sits on a number of inter-agency groups seeking to improve outcomes for children, families and communities. She is currently the chair of the children, young people and families sub-group of the New Strategic Direction on drugs and alcohol. She is a passionate advocate for the rights of all children especially those with the most challenging behaviours. She is currently a member of the Patient and Client Council and the Children and Young People's Strategic Partnership and the Safeguarding Board for NI.



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.



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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:

Pubs of Ulster
Northern Ireland Drinks Industry Group

Professional Advisors:

MaCartan Turkington Breen Solicitors
– Legal Advice
MCE Public Relations – Media Support

