

THE OFFICIAL VOICE OF THE NORTHERN IRELAND FEDERATION OF CLUBS

# Review Club

VOLUME 26 - Issue 5, 2013

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EXTRAORDINARY



26.09.2013

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## Foreign satellite gets a red card

Three recent court rulings against pubs in England have led Sky and The Premier League to step up its enforcement campaign against both clubs and pubs illegally showing Sky Sports during the new football season.

In the first case the High Court overturned a decision by magistrates to acquit a landlord in Plymouth, whose defence was that he had used a Virgin Media domestic viewing system. Lord Justice Laws and Judge Irwin ruled that the magistrates were incorrect, that non-domestic premises had to pay Sky the correct commercial charge applicable and that a "part-payment" did not provide a defence.

In a separate case, a landlord in Chesterfield faces imprisonment if he breaches an undertaking not to show Sky Sports illegally in a pub again. Christopher Duarte said, "My pub company set me up with a system that allowed access to Sky Sports. I didn't know that the system wasn't legal but I should have checked as I didn't have the correct commercial agreement. I accept the judgment and would advise others that if they want to show Sky Sports they should ensure that they have a legitimate agreement to do so."

Sky have brought a number of actions in the Patents County Court against licensees who have been showing Sky Sports without a valid commercial viewing agreement in wake of the Premier League's success in the European and High Courts against foreign satellite supplier QC Leisure. Although Portsmouth landlady Karen

Murphy famously won a case under European law allowing her to show Greek broadcasts, subsequent rulings have upheld Sky and the Premier League's copyright and more logos and symbols are now included in programmes, making it nearly impossible to stay within the law by turning the TV off at key times.

In the third case, a couple running a pub in Weston-super-Mare were ordered to return a Sky viewing card registered to an Irish address because it is not authorised for use in the UK.

Clubs are warned that The Premier League and Sky are planning strict enforcement of these rulings. A Premier League spokesman said that, "Publicans should know that the only broadcasters entitled to show live Premier League matches in the UK, as of the coming season, are BSkyB and BT Vision. **Any publican who is being offered a service that is not either BSkyB or BT Vision should be aware that these are illegal and they are opening themselves up to the possibility of prosecution.**"

It is believed that in excess of 10,000 targeted visits will be made during the course of the new season, with The Premier League and Sky appointing private security firms to carry out investigations into the illegal use of foreign satellite systems in licensed premises.

The Federation regularly hear of so called 'legal' foreign satellite companies offering low-cost sports coverage, but the message to clubs seems to be fairly clear with these latest rulings. You have been warned.



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## Employment Law changes

Since 19th July several changes have been applied to employment legislation in mainland UK. It should be noted that these changes do not apply to Northern Ireland, however, we have been informed by the Labour Relations Agency that a consultation is presently underway locally which may eventually include aspects of the UK legislation.

The changes on the mainland revolve around two aspects of employment law, namely Employment Tribunals and Pre-settlement discussions.

Employment Tribunals are being modified to include an initial 'sift stage' to determine whether a claim should be struck out. Assuming that a

claim survives this 'sift stage' then there will be a single preliminary hearing with the parties being encouraged to resolve the dispute without proceeding to a full employment tribunal.

The costs structure of an employment tribunal is also being modified. For unfair dismissal awards, the compensatory award for an unfair dismissal is now capped at the lower of either one year's gross pay or £74,200. For most UK Clubs this will mean the compensatory award is capped at one year's gross pay (which does not include pension contributions, benefits in kind or discretionary bonuses). Employees wishing to bring a claim before an employment

tribunal will also have to pay a fee in order to lodge the claim.

Depending on the type of claim being lodged, fees will be up to £250 in order to lodge the claim with an additional fee of up to £950 if the claim progresses to an employment tribunal hearing.

A change is also being made to the dismissals procedure. Employers will be able to undertake pre-termination negotiations with employees without such negotiations being admissible in the event of an unfair dismissal claim being lodged. However, where there is "improper behaviour" in relation to the settlement agreement discussions,



evidence on negotiations will be admissible unless the tribunal considers just to exclude it. Should an agreement be reached during a pre-termination negotiation then a settlement agreement will have to be formalised.

Settlement agreements are replacing compromise agreements and additional ACAS guidance on such agreements is expected to be forthcoming shortly.

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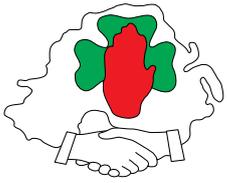


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## Reciprocate the support from our trade suppliers

As mentioned in Club Review earlier this year, the Northern Ireland Federation of Clubs is grateful for the support it receives from its trade suppliers, without which we could not sustain the services provided for our members, nor maintain the Federation membership at only £50 per year; let alone continue constantly campaigning for improved legislation. This work has only been possible to maintain due to good book-keeping and the invaluable support of our trade suppliers.

The arrangement with BSkyB is of particular significance, having enabled many clubs to enjoy a

substantial saving on the costs associated with Sky TV with a further review imminent, which will hopefully reduce costs further.

Insurance is another major expense for clubs but quality cannot be sacrificed for low premiums – you get what you pay for – and the complexities of labour relations issues, catered for in Rollins Club Insurance package through ‘DAS’, is essential, and the only level of cover that should be considered for your club.

Although other brokers have offered insurance packages, it is

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## Rules on staff reaching retirement age

A former partner in a law firm has lost his lengthy battle to establish age discrimination.

The question in the *Seldon v Clarkson Wright & Jakes* case was how far a mandatory contractual retirement age can be justified under the Employment Equality (Age) Regulations 2006 and subsequently the Equality Act 2010.

Last year the Supreme Court heard the case and sent it back to the Employment Tribunal to decide whether the law firm's retirement age of 65 for partners was proportionate. The Tribunal decided that it was.

The firm had said it needed the retirement age to allow for succession planning and to avoid the need to resort to performance management to

justify a dismissal. The Tribunal decided that the performance management argument did not work but the succession planning justification did, along with the argument that the firm required older partners to leave to make space for younger colleagues moving up the ladder.

The facts of the case relate to December 2006, however,

before the default retirement age was repealed, so although this final outcome may look like a win for employers, clubs should treat the decision with caution as it does not give you carte blanche to force people to retire at 65.

If you require further clarification on this matter call the Federation Helplines for assistance.

### N.I.F.C. HELPLINES

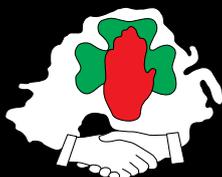
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## Why staff need to learn to think before they lift

The term “manual handling” covers an extensive selection of activities including lifting and lowering, pulling and pushing, and carrying. If any of these tasks are not carried out properly there is a risk of injury, which can have serious implications not just for the employee but for the club as well. Manual handling causes more than 30 per cent of all workplace injuries. These include work-related musculoskeletal disorders such as pain and injuries to backs, arms, legs and joints, and repetitive strain injuries of various sorts.

Manual handling injuries can occur almost anywhere in and around the workplace and substantial episodes of manual

labour, awkward postures, repetitive movements of arms, legs and back, or previous/existing injuries can increase the risks.

### What do I have to do?

To help prevent manual handling injuries in the workplace, staff should avoid such tasks as far as practically possible. However, where it is not possible to avoid manually handling a load, employers, with their employees, must look at the risks of that task and put sensible health and safety measures in place to prevent and avoid injury.

### For any lifting activity always take into account:

- Individual capability (different people are

comfortable and competent with different weights and sizes of load.)

As all club employees know - and most Committees should know if they take the time to think about it! - cellar work, bar work and cleaners' duties entail a wide range of manual handling tasks. They are required to manoeuvre barrels, crates, boxes, chairs, tables, cleaning equipment, supplies and many more things. Below is a detailed explanation of what Committees need to know about.

- The nature of the load - (is it easy to carry with good purchase points or difficult to grip and/or cumbersome?)
- Environmental conditions

- (is the floor slippery? Is it excessively hot or cold?)

- Training - (have the people doing the manual handling had any training with regard to correct lifting techniques, assessment of load or risk assessments?)
- Work organisation - (is the workplace layout organised in such a way as to minimise or eliminate the need for, or frequency of, some manual handling tasks?)

### If you need to lift something manually

- Reduce the amount of twisting, stooping and reaching.
- Avoid, if at all possible, lifting from floor level or above shoulder height, especially heavy loads.

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- Adjust storage areas to minimise the need to carry out the movements mentioned earlier.
- Look at ways to minimise carrying distances.
- Assess the weights to be carried and whether the employees who carry out these tasks can move the load safely or if they need any help - maybe the load can be broken down to smaller, lighter units.

#### If you need to use lifting equipment

- Consider whether you can use a lifting aid, such as a sack truck, electric or hand-powered hoist, or other mechanical aid.
- Think about storage as part of the delivery process - maybe heavy items could be delivered directly, or closer, to the storage area.
- Reduce carrying distances where possible.

And please remember “manual handling” causes more than a third of all workplace injuries so paying attention to the points mentioned above could go some way to protecting the health and ensuring the safety of your staff engaged in these kinds of activities.

#### TOP TIPS

There are some simple things to do before and during the lift or carry:

- Check the route and remove obstructions before lifting.
- For a long lift, plan to rest the load as often as necessary on a table or bench if possible, to change grip.
- Keep the load close to the waist. The load should be kept close to the body for as long as possible while lifting.
- Keep the heaviest side of the load next to the body.
- Adopt a stable position and make sure your feet are apart, with one leg slightly forward to maintain balance.
- Think before lifting or handling. Plan the lift. Can handling aids be used? Where is the load going to be placed? Will help be needed with the load? Remove obstructions such as discarded wrapping materials etc.
- Adopt a stable position. The feet should be apart with one leg slightly forward to maintain balance (alongside the load, if it is on the ground). The worker should be prepared to move their feet during the lift to maintain their stability. Avoid tight clothing or unsuitable footwear, which may make this difficult.
- Get a good hold. Where possible the load should be hugged as close as possible to the body. This may be better than gripping it tightly with hands only.
- Start in a good posture. At the start of the lift, slight

bending of the back, hips and knees is preferable to fully flexing the back (stooping) or fully flexing the hips and knees (squatting).

- Don't flex the back any further while lifting. This can happen if the legs begin to straighten before starting to raise the load.
- Keep the heaviest side of the load next to the body. If a close approach to the load is not possible, try to slide it towards the body before attempting to lift it.
- Avoid twisting the back or leaning sideways, especially while the back is bent. Shoulders should be kept level and facing in the same direction as the hips. Turning by moving the feet is better than twisting and lifting at the same time.
- Keep the head up when handling. Look ahead, not down at the load, once it has been held securely.
- Move smoothly. The load should not be jerked or



snatched as this can make it harder to keep control and can increase the risk of injury.

- Don't lift or handle more than can be easily managed. There is a difference between what people can lift and what they can safely lift. If in doubt, seek advice or get help with the lift.
- Put down, and then adjust. If precise positioning of the load is necessary, put it down first, and then slide it into the desired position if possible.

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## Questions & Answers

**Q.** We have a former employee who is claiming that they have been unfairly dismissed. We dispute this and it appears that the case might go to an employment tribunal. Can you give us some advice to assist us in preparing for such an eventuality?

**A.** Should you dismiss an employee then they are able to

take the Club to an employment tribunal if they feel that the dismissal is unfair in any way or that the correct procedures have not been followed. However, only an employee of over twelve month's continual service can take such an action.

If the matter proceeds to an employment tribunal then this will require the Club to present their case to an employment tribunal over one or more days. Should the Club be unsuccessful in establishing its case then the Club will be required to pay compensation. The amount of compensation will depend on the individual facts of the case and whether the employee obtains further employment after their dismissal. Before a case gets to the tribunal stage it is likely

that ACAS will be involved and there will be the possibility of attempting to settle the case with the employee. This is likely to involve a financial payment to the employee which will be based on the chances of them successfully prevailing at a tribunal and of how much they are likely to be awarded if they are successful. The Committee may wish to seriously consider if such a settlement would be sensible when the time arises.

The Committee is likely to seek professional legal representation for presenting their case at an employment tribunal or when negotiating a settlement. Alternatively, a compromise agreement may be used at the time an employee is dismissed. A Compromise Agreement is an agreement which waives the employee's right to submit a claim for unfair dismissal. A Compromise Agreement should not be used without first seeking independent legal advice and making sure the agreement has been executed successfully. An employee would also need to seek independent legal advice, which is usually paid for by the employer, before signing such a Compromise Agreement and it would be usual for an additional payment/settlement to be made to an employee in recognition of signing such an agreement.

**Q.** We have a Member who has been nominated for the committee. We are also aware that he is on the Committee of another local community Club. Is he able to be elected to our Club's Committee if he is already a Committee Member of another Club?

**A.** There is no legislation or Club Rules which would prevent a Committee Member holding a position of authority

within another local Club and we have found that this is an increasingly common situation as people become Members of different Clubs and fewer people are interested in active Club management. As a result, those who are interested find themselves involved in more than one Club's management.

All Committee Members are expected to observe confidentiality regarding Committee Meetings and information. If it is found that a Committee person is passing confidential information to the other Club of which they are also a Member then they should be disciplined accordingly. In fairness, though, there is likely to be little information which is going to be particularly sensitive if the other Club learns of it. I do, however, suggest that this opportunity is used to remind all Committee Members of the confidential nature of Committee Meetings and information, particularly if such information would be of interest to a competing Club in the area. If a conflict of interest does arise then the Committee Member with the conflict of interest should excuse themselves from the meeting whilst the item is discussed.

The Members are ultimately responsible for the election of Committee Members, assuming there are sufficient candidates to create an election. The Members can then decide themselves if this is a person they wish to elect to the Club's Committee and they can also remove any person should they choose to do so.





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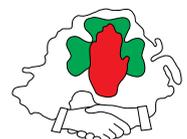
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# Coors Light enjoys a 'Damme Good' year

Northern Ireland's number one selling bottled beer\* is Light years ahead

Ice cold Coors Light is officially the number one selling bottled beer\* in Northern Ireland following a record year which confirmed the Molson Coors brand as the drinks industry success story of 2012.

The famous Coors Light bottle, which turns blue when it's perfectly chilled and ready to drink, hit the top spot in the Northern Ireland on-trade last May and has held that position ever since.

Its Rocky Mountain heritage, uncompromising brewing standards and dedication to ice cold refreshment saw Coors Light bottle sales increase by 12% last year in an overall Northern Ireland beer market that declined by approximately 5.2% in the on trade\*.

"Coors Light has grown rapidly in popularity over the past few years and we're delighted that it is now officially the people's choice of bottled beers in Northern Ireland," said Jordana Busby, Head of Scale Brands.

"We've invested heavily in the brand to bring it to life through creative marketing campaigns which encourage people to engage both online and in bars and clubs around the country. We're delighted with its success and are confident the growth will continue," she added.

The success of Coors Light has been supported by the brand's hugely popular advertising campaign which famously features one of the world's most iconic action film stars Jean Claude Van Damme. Set in the stunning Rockies mountain

range, the 'Closest to Cold' series of commercials features Van Damme telling stories in which no matter how hard he tries, and no matter what he's been through in his life to date, he can't get close to the ice cold refreshment of a Coors Light.

Now the Coors Light team has made the perfect beer bottle even better by adding a second level of cold to its bottles and cans which they have cleverly called 'Damme Cold'. Using what's called 'thermochromic ink', the famous Rocky Mountains featured on the label of the Coors Light bottles and cans turns blue when the bottle reaches a chilled temperature but now a second 'ice cold indicator' has been added for those who like their beer 'Damme Cold'.

"Our campaign with Jean Claude Van Damme has undoubtedly been a huge success across Northern Ireland," said Jordana Busby, "which supported by promotional activity in bars and off licenses around the country along with TV, outdoor and social media activity, has really generated unprecedented levels of consumer engagement.

"This year, he is continuing in his quest to get 'Closest to Cold' which we are supporting with TV and outdoor advertising, social media and various on and off trade marketing initiatives. We believe that all of this makes Coors Light Northern Ireland's must-stock beer brand of 2013 and we would urge pubs, clubs, hotels and off licenses to make sure they're not left out in the 'Damme Cold' this year," she added.



Jordana Busby of Molson Coors celebrates that Coors Light is officially the number one selling bottled beer\*

It's not just bottle sales that are on the rise as Coors Light is the fastest growing draught beer in the province. Overall, during 2012, Coors Light contributed more than £3.3 million to the

Northern Ireland on-trade, with more than four million bottles and 1.1 million pints enjoyed by NI consumers\*.

\*Nielsen NI On Trade December 2012

## Molson Coors appointment

Robert Blythe, who in his new role will oversee all marketing activity for Molson Coors in Northern Ireland and the Republic of Ireland, joins the company from the Kerry Group where he was Marketing Manager of the Group's Raw Meat business.

"This is an extraordinarily exciting time for Molson Coors in Northern Ireland and the Republic of Ireland," commented Mr Blythe.

"Our horizon is firmly set on expansion across the entire brewing sector from our Coors Light and Carling brands, which have been recording phenomenal growth in Northern Ireland, into what



Robert Blythe, Head of Marketing for Ireland, Scotland and Craft Beer.

I believe to be the category with phenomenal potential, Craft Beer, both in terms of the domestic market and internationally through Molson Coors' network," he added.

# Arthur's Day 2013 will showcase the best of Ireland's talent and creativity

Guinness & Co has announced details of Arthur's Day 2013, which will take place on Thursday 26th September. Arthur's Day will showcase the best of Ireland's creativity and talent from the world of music and culture at over 500 free music events and creative showcases in venues across the island of Ireland.

The Arthur's Day line-up will see a variety of artists from the best and brightest of local musical talent including - The Script, James Vincent McMorrow, The Original Rudeboys, Girl Band and Bouts; to internationally acclaimed artists such as Manic Street Preachers, Emeli Sandé, Janelle Monae and the legendary Bobby Womack. Further artists will be announced later.

As always, Arthur's Day will be a night full of surprises with acts turning up at venues unannounced to perform. Additionally, some acts will also perform at one of five ticketed music events, taking place in venues across Belfast, Dublin, Limerick and Cork. Tickets will go on sale on 4th September, with proceeds going to the creative and cultural initiative, Arthur Guinness Projects.

This year, Arthur's Day will support, promote and showcase the next generation of Ireland's musical talent, artists, poets, writers and culinary experts; all of whom are creating and inspiring positive change in Ireland today. Guinness will collaborate with publicans and Arthur Guinness Project applicants to transform some local outlets into creative hubs.

On Arthur's Day, The Guinness Storehouse at St. James's Gate Brewery will be transformed into a cultural hub showcasing Ireland's talent and creativity across the four areas of Music, Arts, Food and Sport.

Arthur Guinness Project applicants will join established innovators in creating this one-off cultural experience which will also include music performance, an immersive Guinness cultural timeline across multiple floors and a bespoke culinary feast.

Commenting at the launch, Stephen O' Kelly, Marketing Director, Guinness said, "Guinness has a long tradition of supporting and promoting emerging talent through Arthur's Day programmes and the recently launched Arthur Guinness Projects, a major cultural initiative which is championing people whose ideas, passion and spirit are enhancing and shaping our culture and identity. Whilst music will continue to be the cornerstone of the day, this year, our creative canvas will stretch well beyond music, embracing other aspects of our culture by showcasing talent and creativity from sport and food to the arts and design."

Ireland will join the millions of people taking part in the Arthur's Day 2013 celebrations across Europe, Indonesia, Malaysia, The Caribbean and Australia.

The Script said, "We can't wait for Arthur's Day. We are incredibly excited to see that emerging Irish artists will have



Irish musician James Vincent McMorrow, pictured with Stephen O'Kelly, Marketing Director, Guinness, announcing details of Arthur's Day 2013, which will take place on Thursday 26th September.

such a fantastic opportunity to perform alongside some of the more established artists on the line up. This will undoubtedly be a huge benefit to these talented, up and coming artists and we're really looking forward to sharing the stage with them."

For full details on Arthur's Day visit [www.guinness.com](http://www.guinness.com)  
**For full details on Arthur Guinness Projects visit -** [www.arthurguinnessprojects.com](http://www.arthurguinnessprojects.com)  
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# RAISE YOUR GLASS ON THE 26TH SEPTEMBER

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**GUINNESS®** has created the occasion - what can you do to make it work for your business? Here are some tips...

## TOP TIPS FOR A GREAT NIGHT

- **AWARENESS** - Raise awareness early with posters in outlet and regular updates about your plans on your outlet's Facebook page.
- **MUSIC** - Arrange a band or DJ to play on the night.
- **FOOD** - Reward your customers for coming in early and take the opportunity to showcase your pub's food offering.

## TOP TIPS FOR A GREAT TOAST

- **17:59** - "To Arthur!" Ensure a great toast by following the tips below.
- **'TOASTMASTER'** - Have a 'toastmaster' at the ready - it could be you, another member of staff, a regular or a competition winner
- **WARNING** - Give customers a 10 minute warning to ensure everyone can join in the toast at 17:59.
- **COUNTDOWN** - Have your toastmaster countdown to the toast: "10... 9... 8... 7... 6... 5... 4... 3... 2... 1... to Arthur!"
- **MUSIC** - Commence the night's entertainment after the toast.



For more information go to  
[facebook.com/GuinnessIreland](https://facebook.com/GuinnessIreland)

**Drink Responsibly. [drinkaware.co.uk](http://drinkaware.co.uk) for the facts**

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## A WKD start to the new term

This autumn, WKD will be wowing students by giving away thousands of pairs of eye-catching, flashing LED 'shutter-shades' with bottle purchases. The highly visible promotional glasses will create a real talk-about factor in outlets in Northern Ireland and ensure wearers stand out from the crowd at the start of the new academic year.

Aside from the fun glasses which will help wearers see the term ahead in a whole new light, Northern Ireland's no.1 ready-to-drink brand will also be supporting appropriate outlets with witty POS and



a range of student-specific cocktail jug recipes. The range of six academically themed cocktail recipes will give groups of student friends the chance to enjoy WKD with complimenting spirits and soft drink mixers.

## Féile's celebrates its 25th birthday



United Wine Merchants Ltd's Sabrina Jamet (right) is pictured raising a McGuigan's Black Label toast with Feile an Phobail director Kevin Gamble and musician Grainne Holland. United Wines sponsored the 2013 Féile with a number of brands including Bella Vie, Red Square Vodka and McGuigan's Black Label.

Féile an Phobail has been enlivening, entertaining and educating West Belfast and beyond with its rich mix of music, literature, spoken word, tours, talks, community events and street parties this past 25 years, and this year from the 1st - 11th August, the highlight of the city's summer calendar, marked its landmark birthday with an array of international acts and local legends, not to mention hundreds of events right across the city.

As well as the headlining music and comedy acts, Féile25 played host to a diverse range of dance (from Irish traditional to hip-hop), literature, drama, visual art, family fun, sports events,

tours and walks, discussions and debates and Irish language events.

A staggering total of over 250 events took place over eleven days, at 50 venues across West Belfast/Gaeltacht Quarter and the City Centre, including family favourites such as the annual traditional Carnival Parade, The Teddybear's Picnic in Falls Park, and a host of other events which appealed to kids big and small.

The 25th birthday programme was completed with an impressive range of sports, community and other events in the spaces and places throughout West Belfast.



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**07889 800325**

**E-mail: [info@nifederationofclubs.com](mailto:info@nifederationofclubs.com)**



# Snow Patrol play a huge homecoming show at Tennent's Vital



Tennent's Vital got off to an epic start on 14th August, when tens of thousands of music fans descended on Belfast's Boucher Road Playing fields to enjoy the first day of the festival.

Nashville rockers, Kings of Leon, thrilled fans with a storming headline performance, treating the crowd to a hit-filled set. Frontman, Caleb Followill, hailed the warm welcome the band received from the Tennent's Vital crowd, saying, "You guys are wonderful, thank you so much! Tomorrow night's crowd is going to have to be good to beat you guys."

Earlier in the day the crowd were wowed by bands such as, The Vaccines, and Northern Irish legends, The Undertones, who also enjoyed playing to the home crowd, saying, "Every time we play in Belfast we love it."

Snow Patrol played a massive homecoming show, receiving a rapturous reception from the crowd when they brought Day 2 of the festival to a close with a show-stopping set. In a major coup for organisers, Snow Patrol's headline set, was a festival exclusive. Gary Lightbody said, "Thank you to Tennent's Vital for having us, this is our only show in the world this year... We weren't going to do any shows this year, but we said yes to this straightaway!"

Gary dedicated the encore to the crowd, hailing them as one of the best they've ever played for, before finishing with a rousing rendition of Just Say Yes.

The biggest ever Tennent's Vital came to a close when Swedish DJ Avicii brought a taste of the super club atmosphere to Boucher Road Playing Fields.



Snow Patrol's Gary Lightbody hailed the magnificent Belfast audience at Tennent's Vital in August.



Golf pro Johnny Caldwell, Michael Moss from Portstewart GC, Ross Hegarty from Tennent's NI, and Gavin McErlean from Roma's.



Kenny and Rhona Gault from Royal Portrush GC and Lyn Neil from the Bayview Hotel, Portballintrae.



James and Suzanna Guiney, Lisburn Golf Club

# New Rates for PRS for Music

## Tariff 'JMC' (2013.08)

Effective from 1st August 2013 (Also showing previous year's details in brackets)

### 1. Scope of tariff

This tariff applies to performances of copyright music within *PRS for Music's*\* repertoire\* at clubs bona fide established and conducted in good faith as non profit-making members' clubs capable of satisfying:

- the conditions for determining a qualifying club for the purposes of Part 4 of the Licensing Act 2003 for England and Wales, or
  - the conditions prescribed for the purposes of section 125 of the Licensing (Scotland) Act 2005 by reg. 2 of the Licensing (Clubs) (Scotland) Regulations 2007 for Scotland, or
  - the conditions for registration under the Registration of Clubs (N.I.) Order 1996 for N. Ireland.
- It does not apply to establishments whose main object is bingo nor to youth or proprietary clubs.

### 2. General conditions

This tariff is subject to *PRS for Music's* General Conditions Applicable to Tariffs and Licences, available on request from *PRS for Music*.

### 3. Royalty rates

Where the music user has applied for and obtained *PRS for Music's* licence before musical performances commence, the **standard** royalty rate will be charged and payable for the first year of the licence.

Where the music user has not applied for and obtained *PRS for Music's* licence before musical performances commence, the **higher** (standard plus 50%) royalty rate will be charged and payable for the first year of the licence.

After the first year of the licence, in either case, the **standard** royalty rate will be charged and payable.

The following rates of charge apply to all royalties falling due from 1st August 2013.

#### 3.1 Featured music\*

##### 3.1.1 Live music

3.1.1.1 Where the annual expenditure on the provision of music\* by performers\* is £9,023 (£8,934) or more the royalty in respect of performances of music by those performers is .....

	Higher royalty	Standard royalty
3.1.1.1 Where the annual expenditure on the provision of music* by performers* is £9,023 (£8,934) or more the royalty in respect of performances of music by those performers is .....	3.75% of such expenditure (3.75%)	2.5% of such expenditure (2.5%)

3.1.1.2 Where the annual expenditure on the provision of music is less than £9,023 (£8,934) the royalty per function for the first 100 persons capacity\* in respect of performances of music by performers in person is at the rate of .....

£6.84 (£6.77)	£4.56 (£4.51)
£1.71 (£1.70)	£1.14 (£1.13)

and per 25 persons capacity (or part thereof) thereafter .....

£1.71 (£1.70)	£1.14 (£1.13)
---------------	---------------

##### provided that:

The **maximum** annual royalty for performances in category 3.1.1.2 is .....

£338.37 (£335.03)	£225.58 (£223.35)
-------------------	-------------------

##### 3.1.2 Featured recorded music\*

For all featured performances by record, compact disc or tape player\* primarily for entertainment by means of discotheque equipment or otherwise for dancing and for karaoke performances\*, the royalty per function for the first 100 persons capacity is .....

£6.84 (£6.77)	£4.56 (£4.51)
£1.71 (£1.70)	£1.14 (£1.13)

and for each 25 persons capacity (or part thereof) thereafter .....

£1.71 (£1.70)	£1.14 (£1.13)
---------------	---------------

##### provided that:

Where such featured performances are given at a function, and in the same room, where performances are also given in person and in respect of which royalties are paid under paragraph 3.1.1 above, the royalty in respect of performances by record, compact disc or tape player per function for the first 100 persons capacity is .....

£3.32 (£3.29)	£2.21 (£2.19)
---------------	---------------

and for each 25 persons capacity (or part thereof) thereafter .....

£0.84 (£0.83)	£0.56 (£0.55)
---------------	---------------

Printed here are the revised rates (Tariff JMC) for *PRS for Music*, effective from 1 August 2013.

For further information call the Northern Ireland *PRS for Music* representative 0800 068 4828 or the Federation Helpline 07889 681714.

Club Secretaries should place these pages into their Red Management Manual. If you do not have a Manual please call Helpline number 07889 681714.

	Higher royalty	Standard royalty
<b>3.1.3 Cinema &amp; featured video</b> For performances (whether by means of the sound track or otherwise) during film or video shows in a room or place being specially used for the primary purpose of video or cinema exhibition, and with seating arranged accordingly the royalty per function for the first 100 persons capacity is .....	£3.32 (£3.29)	£2.21 (£2.19)
and per 25 persons capacity (or part thereof) thereafter .....	£0.84 (£0.83)	£0.56 (£0.55)
<b>3.1.4 Minimum royalty for featured music</b> The minimum royalty for an annual licence for featured music under this section of the tariff is .....	£169.16 (£167.48)	£112.77 (£111.65)
<b>provided that:</b> Where there are no more than three functions in a licence year this minimum charge will not apply. The charges for those functions - whether in terms of permits or an annual licence - will however be subject to a minimum of .....	£42.30 (£41.88)	£28.20 (£27.92)
	per function	per function
<b>3.2 Background or mechanical music*</b> The annual royalty for performances by the following is:		
<b>3.2.1 Television screen (without video)</b> with a screen no greater than 26" (66cms) .....	£140.99 (£139.59)	£93.99 (£93.06)
	per screen	per screen
with a screen greater than 26" (66cms) .....	£211.44 (£209.34)	£140.96 (£139.56)
	per screen	per screen
<b>3.2.2 Radio</b> .....	£140.99 (£139.59)	£93.99 (£93.06)
	per set	per set
<b>3.2.3 Video player</b> (with or without television facilities through the same screen) except performances where there are special seating arrangements for viewing, or when the player is used for discotheque performances: with a screen no greater than 26" (66cms) .....	£211.44 (£209.34)	£140.96 (£139.56)
	per player	per player
with a screen greater than 26" (66cms) .....	£281.97 (£279.18)	£187.98 (£186.12)
	per player	per player
<b>3.2.4 Record and/or compact disc and/or tape player and/or music centre</b> .....	£310.16 (£307.08)	£206.77 (£204.72)
	per player	per player
<b>provided that:</b> Where two or more such instruments (or screens in the case of televisions and video players) are used in the same premises, whether those instruments are of the same or of different kinds, the combined charges for those instruments will be reduced by 10%.		
<b>3.3 Jukeboxes</b> The annual royalty per machine for performances by the following is:		
<b>3.3.1 Audio jukebox*</b> .....	£349.91 (£346.44)	£233.27 (£230.96)
<b>3.3.2 Audio jukebox with background music facility*</b> .....	£492.62 (£487.74)	£328.41 (£325.16)
<b>3.3.3 Video jukebox</b> with a screen no greater than 26" (66cms) .....	£460.47 (£455.91)	£306.98 (£303.94)
with a screen greater than 26" (66cms)	£552.57 (£547.10)	£368.38 (£364.73)

	Higher royalty	Standard royalty
3.3.4 Video jukebox with background music facility* with a screen no greater than 26" (66cms) .....	£570.96 (£565.31)	£380.64 (£376.87)
with a screen greater than 26" (66cms) .....	£640.04 (£633.71)	£426.69 (£422.47)
3.3.5 Combined audio/video jukebox with background music facility*		
with a screen no greater than 26" (66cms) .....	£630.80 (£624.56)	£420.53 (£416.37)
with a screen greater than 26" (66cms) .....	£688.49 (£681.68)	£458.99 (£454.45)
3.3.6 For each additional coin-entry point for 3.3.1, 3.3.2, 3.3.3, 3.3.4, or 3.3.5 above .....	£46.05 (£45.60)	£30.70 (£30.40)

#### 4. Value Added Tax

Every Licensee under PRS for Music's tariffs will pay to PRS for Music in addition to the royalty due, a sum in respect of Value Added Tax calculated at the relevant rate on the royalty payable.

#### 5. Inflation adjustment

Every year on 1st August the monetary sums in this tariff will be adjusted for inflation. The adjustment formula will apply to the standard rates, using the mean (to the nearest whole percentage point) of the percentages by which the Retail Prices Index and Average Weekly Earnings index (unadjusted) change in the year to the previous March.

March is the latest month prior to the anniversary date for which figures are likely to be published for both indices.

After application of the inflation adjustment any expenditure threshold figure will be rounded to the nearest pound, with all other royalty rates rounded to the nearest penny.

All royalties will be charged at the royalty rate in force at the beginning of the licence year.

#### 6. Definitions

- **annual expenditure on the provision of music** means the total of: gross salaries, gross wages; plus fees, expenses or other emoluments paid to performers (excluding any disc jockeys); and gross fees (net of any Value Added Tax) paid to third parties for the services of performers.
- **audio jukebox** means a machine (other than a video jukebox) for playing recorded music, capable of being operated by the insertion of a coin, token or card.
- **audio jukebox with background music facility** or **video jukebox with background music facility** or **combined audio/video jukebox with background music facility** or **music centre and/or radio cassette player** means a combination of units of equipment capable of reproducing sound from more than one source through a single sound system.
- **background or mechanical music** means music when performed by a record player, compact disc player, tape player, or video player otherwise than for featured purposes, or music performed by a radio or television set operated on the premises or diffused through a loudspeaker from another part of the premises or a source outside the premises.
- **capacity** shall be calculated as follows:  
where the accommodation of a room is limited to the number of seats, the capacity will be calculated by reference to the total number of seats; but where, as in the case of discotheque performances, there is no formal means of calculating the accommodation of a room, that capacity will be assessed by reference to the maximum number of persons which can reasonably be accommodated in the room or which is permitted under any regulation by Fire Authorities or under the Club's Rules. Where the capacity exceeds 100 persons one quarter of the charge will be levied on each 25 persons.
- **featured music** or **featured recorded music** means music performed by: performers in person, or a record, compact disc or tape player primarily for entertainment such as by means of discotheque equipment or otherwise for dancing or in conjunction with cabaret or similar entertainment, or cinematograph equipment or video player.
- **karaoke performances** means those performances given by unpaid singers in conjunction with specially produced recorded music, with or without the provision of video-presented synchronised lyrics.
- **music centre** means instruments combining a radio and a tape player and/or record player.
- **performers** means singers and performers of musical instruments, including orchestra conductors or leaders, whether or not they combine in their performance other activities such as dancing or acting as comperes.
- **PRS for Music** is the trading name of the Performing Right Society Limited
- **PRS for Music's repertoire** means all and any musical works (including any words associated therewith), the right of public performance in which is controlled by PRS for Music or by any of the societies in other countries with which PRS for Music is affiliated.
- **record, compact disc or tape player** means any gramophone, compact disc, tape or cassette player, or other mechanical/electronic contrivance for playing musical works, except: a video player, or a contrivance, such as a jukebox, capable of being operated by the insertion of a coin, token or card.
- **video jukebox** means a machine for playing recorded music synchronised with a video or similar visual display and capable of being operated by the insertion of a coin, token or card.





**By law, you need to be licensed  
to play music in your club.**

You probably haven't thought much about it. You've just got music on for your staff or customers. But did you know you need permission from the music's copyright owners if you play music, TV or radio aloud at work? It's the law. But don't worry, to get that permission you simply need a licence from *PRS for Music*\* (and in most cases, one from PPL\*\* too). *PRS for Music* is a membership organisation that acts on behalf of songwriters and composers to ensure they're paid for the use of their work. So if you have music playing, ask *PRS for Music* how you become licensed to listen today.

**Contact PRS for Music on 0800 694 7326**  
or at [prsformusic.com/musicatwork](https://www.prsformusic.com/musicatwork)

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for MUSIC

\**PRS for Music* licences cover the vast majority of music originating from the UK and all over the world. However, if you play music that is outside of *PRS for Music*'s control, you may need an additional licence from the relevant copyright owner(s). You will require a TV licence as well if you are using a TV in your premises. You do not need a licence from *PRS for Music* in the unlikely event that all the music you play is out of copyright or is not controlled by *PRS for Music*. \*\*PPL collects and distributes royalties on behalf of record companies and performers. Further info at [ppluk.com](https://www.ppluk.com). All music licences are required under the Copyright, Designs and Patents Act 1988 which stipulates you must gain the permission of the copyright owner if you play music in public (anywhere outside the home environment).

## The Pretty 'n' Pink Gala Ball is back with a bang!



Noleen Adair, founder and Director of Pretty 'n' Pink, invites you to join her at the 2013 Crystal Ball.

The Gala Ball is the key fundraising event of the Pretty 'n' Pink calendar year, taking place during breast cancer awareness month annually.

Hosted by Citybeat's Stephen Clements, The 2013 Crystal Ball will take place on Saturday 12th October and Pretty 'n' Pink invite you to join them for a magical evening of fantasy and fun.

Guests at the black tie event will enjoy a delicious Swedish natural fruit cider by drinks reception sponsor älska cider in the opulent surroundings of The Great Hall before feasting on a sumptuous three course meal in the famous Sir William

Whitla Hall, Queens University Belfast. Guests are sure to be amazed by the line-up of live entertainment on offer, including close up magician Rodd Hogg, and live music by the Jukebox Jurors.

Tickets to this event cost £60 per person, £600 for a table of 10 and are limited. It is advisable to book as soon as possible to secure a place as previous years have completely sold out extremely quickly.

Funds raised from the gala event will be used to provide small grants to breast cancer patients and their families across Northern

Ireland to help with practical requirements such as mortgage payments, travel expenses, home heating, much needed respite breaks, and any specific requests that an individual patient may have.

For further information, or to book please contact Noleen McErlane on 028 9089 0342 / 028 9051 7043 or email [prettyinpinkni@hotmail.co.uk](mailto:prettyinpinkni@hotmail.co.uk) or visit [www.prettyinpink.org](http://www.prettyinpink.org)

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## Action Cancer Morocco 3 Peaks Trek



Action Cancer is calling on men and women to get their walking boots on for their 40th anniversary appeal and sign up to their newly-launched Morocco 3 Peaks Trek. Participants will explore the breathtaking scenery of Morocco on this unique challenge and trek across spectacular terrain, camping out under the stars and in traditional Berber villages. Alongside this incredible experience, trekkers will be raising vital funds for Action Cancer's range of early detection and support services for those affected by cancer in Northern Ireland.

If you would like to take part in this fantastic adventure, please call Leigh on 028 9080 3349 or email [trek@actioncancer.org](mailto:trek@actioncancer.org) for an information pack.

# Guests enjoy a magical moment at the Magners Derby



Around 6,000 people enjoyed one of Northern Ireland's most popular race day meetings at the Magners Derby at Down Royal, held in June.

With guests having access to the full range of Magners products at Down Royal, the brand took advantage of the occasion to sample Magners Berry, the latest new product to be introduced.

Sir Ector, trained by James Lambe, won this year's Magners Derby along with the new increased prize pot of €100,000.

For jockey Chris Hayes it is the third time he has now won this race, having previously won in 2007 and 2010.



Duncan Millar (centre), Commercial Director for Tennent's NI, presented the Magners Derby salver to the syndicate behind the winning horse Sir Ector, and the trainer James Lambe (second from left). The owners pictured are (from left) Ryan Morgan, Patrick Carr, Kevin McKenna and Mickey Quigley.

# Clubs enjoy a smooth finish at the races

This summer, fans of Caledonia Smooth, were able to earn themselves free entry to any of the three summer race meetings at Down Royal Racecourse, Lisburn. The promotion ran in a wide range of clubs right across Northern Ireland.

During the promotion, everyone who collected four tokens (one per pint of Caledonia Smooth) on the promotion's collector card could claim one free entry to Down Royal Racecourse in July, August or September, plus a free pint of Caledonia Smooth when they got there!

"Since Caledonia Smooth was introduced to the local marketplace last year, it has been building a strong racing association in Northern Ireland. This summer we wanted to expand our racing exposure and reward our already loyal and fast growing fan base," explains Paul McGurk, Innovation Marketing Manager with Tennent's NI.

"As Caledonia Smooth is perfect for a social night out with friends, and a trip to the horse races is an excellent evening to enjoy with friends,



Paul McGurk, Innovation Marketing Manager with Tennent's NI, raises a glass of Caledonia Smooth with Mike Todd from Down Royal Racecourse, to toast the success of the summer ticket promotion that ran through many pubs and clubs across Northern Ireland.

pairing the two seemed like a sure bet! On the day, the races themselves - and any bets placed - may not have turned out the way consumers

hoped but at least with this offer they were guaranteed to enjoy a complimentary smooth finish courtesy of Caledonia Smooth."

## UGAAWA Monthly Merit Awards



UGAAWA Chairman, John Martin (left), presents Monaghan's Darren Hughes with the July Merit Award.

Picture by Peadar McMahon

July, always a high profile month in GAA circles, saw lively action right across the board in male and female football, hurling and camogie, at all levels, so it was not unusual that there was a long list of names up for debate when it came to choosing the July Monthly Merit Award winner.

After much consideration there was one player who came up trumps and ticked all necessary boxes. That player was Monaghan Senior Football doyen, Darren Hughes.

"That's quite a surprise," said the Scotstown man (26) who was a major cog in the Farney fellows victory over Ulster and All-Ireland champions Donegal in the provincial final, at Clones.

"I'm sure there were many others worthy of the award, many of the Monaghan players included. However, I'm very

thankful and pleased that I am the winner of the Merit Award. Our victory in the Ulster final was, of course, blighted a little by losing to Tyrone, in the All-Ireland quarter-finals last weekend, but this award is a big bonus, after that defeat.

"Winning the Ulster Championship means we have something to show for the season and, of course, we also gained promotion in the National Leagues so 2013 has been a good year. Our Ulster final victory is only beginning to sink in now as, after the win, we were immediately preparing for the All-Ireland quarter-final and had no time for celebrations."

It is the second time that Darren won the monthly award. He was also the winner in February last year after a number of great performances with both Ulster, which he captained to victory, and Monaghan.

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## Win a trip to the home of Beck's



Mark McGrath (centre), Bar Manager, Harlequins RFC is pictured with Beck's Diplomats, Ciara McStravick and James Stewart.

Calling all bar staff Becksperts! Your mission, should you choose to accept it, could be to travel to Bremen, home of Beck's, the world's no.1 German lager. If your Beckspertise measures up, it could win you an insider's view of the brewery and a weekend to remember for you and 3 of your fellow bar staff!

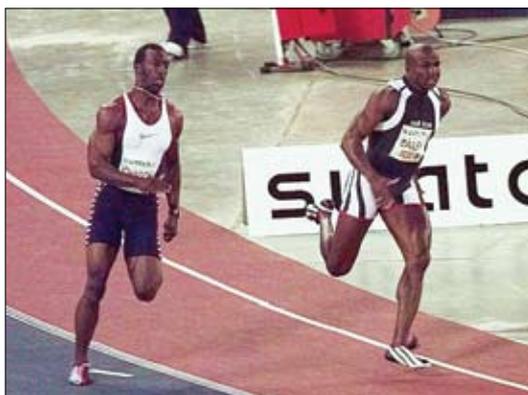
Throughout the Summer and Autumn, teams of Beck's Diplomats will be out and about searching for top 'Becksperts' – the people who really know and appreciate their beer. Armed

with a specialist app to test your passion and knowledge, the Diplomats reward those up for the challenge with a complimentary pint of Beck's quality tasting lager.

If you'd like to get involved with Beck's this year – and build your Beckspertise – just contact your Tennent's NI representative.

# 1997

## Bailey or Johnson?



*Johnson and Bailey go head to head.*

Technology aside, athletics could hardly be regarded as the most innovative of sports, with the majority of events having been conceived centuries ago. However, back in the summer of 1997, with the ever-bullish Michael Johnson billing himself as the self-styled 'fastest man in the world', Canadian 100 metres world record holder Donovan Bailey challenged his American rival to put his money where his notorious and considerably sized mouth was.

The build-up to the race was highly publicised, with Johnson firing some less-than-complimentary remarks in his rival's direction. Johnson criticized Bailey for calling the American public ignorant when the world champion had been using American coaches and facilities, also claiming he had no respect for his competitor. Bailey preferred to keep a lower profile, concentrating on the task in hand - that of protecting his official title of the world's fastest man.

The race was run over a 75 metre curving track with a 75 metre straight so as to suit both athletes. As it was, however, the unique track, specially designed for the occasion, had little influence on proceedings. Johnson pulled up with injured quadriceps leaving Donovan to scoop the hefty prize money on offer - and, more importantly, the bragging rights.

## Kipketer breaks Coe record

Athletes always insist that medals count for more than records, but when you have held a record - and one as prestigious and long-standing as the 800 metres world best - it is only natural to feel some disappointment when it is finally beaten.

Britain's Sebastian Coe had held the accolade of being the fastest man over the two-lap distance for some 16 years, before the exceptional Kenyan-born Wilson Kipketer eventually surpassed him. Kipketer controversially changed his nationality after studying for a degree in Denmark. He first ran in the colours of his adopted nation in the international arena at the 1995 World Championships, and claimed the gold medal.

Though he dominated his sport for nearly a decade, he never claimed the Olympic gold he so richly deserved but, in 1997, he broke a record that would have meant nearly as much to him. He tied Coe's world record (1.41.73) at a meeting in Stockholm and went on to break it twice in that same year - firstly in Zurich in a time of 1.41.24, and then again in 1.41.11 in Cologne. Though his record stood for a period of thirteen years, his failure to taste victory at an Olympic Games - mainly due to the Olympic Committee banning him in 1996 due to his change of nationality - was a constant source of irritation.



*Wilson Kipketer in full stride.*

## A dramatic rescue

In 1997 British sailor, Tony Bullimore, survived five days stranded in freezing Antarctica waters.

The media had assumed that Tony Bullimore was dead when the 55-year-old sailor's boat *Exide Challenger* capsized 800 km (500 miles) from Antarctica during the 1996



*Tony Bullimore lies on the deck of HMAS Adelaide after his dramatic rescue.*

Vendee Globe race. In such cold waters, survival could normally be counted in minutes when wearing normal clothes. As it was, the Bristol-born sailor had to wait five days for the Australian Navy to cover the 3,200 km (2,000 miles) to mount a rescue - surely too long for survival. But incredibly, when one of the Navy seamen tapped on the upturned yacht, there was a tap back. Bullimore, who had luckily been wearing his survival suit, had made a perch for himself from an upturned bunk and retrieved his emergency rations from the wrecked hull. When he was rescued, he was attempting to drill a hole in the upturned hull in order to rig up an emergency radio antenna. It was then that he heard the tap, swam under the boat and greeted a burly Chief Petty Officer with a kiss on the lips.

Bullimore lost two toes to frostbite and took months to regain feeling in his hands and feet, but lost none of his passion for sailing. Within three months, he was racing in the Round Europe Race.

IT TAKES TIME  
TO SETTLE, BUT THEN  
DON'T WE ALL.



TRIPLE HOP  
WITH A  
SMOOTH FINISH

