

Fair Ticketing Alliance Code of Practice

This Code of Practice has been developed by the Board of the Fair Ticketing Alliance in conjunction with Farrer & Co LLP.

Members of the Fair Ticketing Alliance (FTA) are governed by this Code of Practice that helps to ensure an honest and trustworthy marketplace to meet the needs of both consumers and professional ticket agents, as well as ensuring all involved in the industry operate reliably, honourably and lawfully. Members of FTA will abide by all the points contained within the Code of Practice below and they will work to educate and encourage all secondary agents in the business, whether or not they are FTA Members, to follow these best practice guidelines.

1 Putting fans first

FTA members shall work to ensure that music, sport and entertainment fans come first by providing them the greatest choice and flexibility possible on the market.

2 General principles of moral integrity

FTA members are expected to provide a service consistent with good business practice, not to engage in methods of trade that are unlawful, and to offer equality of professional service to any consumer regardless of their race, religious belief, gender, sexuality, age, disability or nationality.

FTA members shall maintain good character and refrain from acting in a manner that is detrimental to the industry or the reputation of the organisation.

3 Disclosure requirements

FTA members will disclose to the consumer directly prior to purchase – or disclose the required information to a secondary ticketing exchange site – the exact location of seats represented by any tickets offered for sale (when this information is known), by means of block, row and seat numbers (or applicable standing or general admission zone) - including any restrictions stated on the tickets (such as age limits) and the face value stated on the tickets - and not misinform, mislead or misleadingly

omit in anyway any information related to the location of the seats/zone represented.

4 Compliance and restrictions

FTA members shall comply with all areas of relevant law regarding the purchasing and reselling of event tickets.

FTA members will not use any automated devices, applications or programs (commonly referred to as “bots”) for the specific purpose of automatically purchasing tickets.

FTA members shall only obtain or purchase tickets through legal means.

Where resale restrictions apply to an event for which tickets are being resold, FTA members will ensure that these restrictions are clearly passed on to consumers on any resale listing/website they may use.

FTA members must not buy or sell tickets for events where all of the proceeds or all of the profits from the event go to registered charities.

5 Transparency

FTA members shall not falsely suggest or imply any affiliation with any promoter, venue, box office, agent or any other body or organisation. Conversely FTA members shall make clear any such affiliations to the consumer prior to purchase.

FTA members shall maintain regular business hours and be contactable by clients (or by secondary ticketing exchange sites on behalf of clients) to ensure queries are responded to promptly.

FTA members should always operate their sales processes freely and transparently in order to ensure that consumers understand the purchasing options that work best for them and the contract in which they are entering with the member.

FTA members shall display the FTA logo on all appropriate business records and in a prominent place in all offices and retail premises that consumers have access to. Advertisements from FTA members shall be legal, decent, truthful and accurate.

Those FTA members who have websites should have easily accessible information on their websites as to how consumers can get in touch with them and where complaints can be filed.

FTA members must deliver tickets purchased by clients (directly or through secondary exchange sites) promptly and in good time. Where instances of possible late or problematic delivery to members from promoters/primaries/other sources arise, or if there is a reasonable chance tickets will not be delivered on time for whatever reason, members shall inform clients (or the relevant secondary exchange sites) at the nearest given opportunity. FTA members must offer a suitable remedy to clients in such instances. Suitable remedies may include alternative tickets, alternative tickets plus compensation, delivery to an alternative address as provided by the client, a full refund, or a full refund plus compensation.

FTA members must be committed to adhering to all parts of the Competition and Markets Authority's (CMA) April 2018 secondary ticketing marketplace undertakings (and any subsequent relevant legal regulations), including the providing for publication of business seller information. FTA members must not sell tickets or offer tickets for sale on any secondary exchange sites that do not provide the facilities for sellers to provide all relevant information related to this compliancy.

6 Confidentiality, data protection and security of information

FTA members shall comply with all relevant data protection, security of information (including payment information), as well as privacy laws. Members are not authorised to publish personal or sensitive information without the explicit consent of the buyer, except where there is a legal obligation to do so. Additionally, email addresses will not be passed on to third-party sites for any reason.

FTA members shall not release or misuse confidential information given by clients during the process of any business dealings without permission (unless required to do so by law) and shall keep full records of all transactions.

7 Complaints procedure

An email address for consumers to contact the FTA shall be located on the FTA website. The address can be used by consumers with concerns, complaints or comments about the conduct of any FTA members.

At least one board member will review and investigate all complaints made against members and acknowledge receipt of such complaints to complainants within seven days. Complaints will be considered irrespective of whether they are pre- or post- a transaction.

The outcome of any review or investigation into any complaint shall generally be reviewed by at least one other board member and then communicated to the complainant and complainee within a further 21 days, along with instructions for any action deemed necessary to be undertaken by the complainee. Remedies should aim to resolve genuine complaints to the complete satisfaction of the consumer, be that by financial means, answering questions, providing reassurances, offering additional information, or any other appropriate method.

Any complaint that is not resolved to the satisfaction of the complainant may be considered for further review by the full board if notice of such a request is given by the complainant within 14 days of the outcome of the review or investigation. Similarly, any complainee who disagrees with the instructions or remedies given, may have their case considered for further review by the full board if notice of such a request is given within 14 days of the outcome of the review or investigation.

The complainant and complainee will be made aware of this right. After 14 days have passed without further such correspondence from either, the matter shall be considered closed.

In the event of a review by the full board, where no more than one board member disagrees, the decision of the full board is final, and the decision will be communicated to both parties.

Where the board decision is split, a Disciplinary Committee shall be appointed consisting of two FTA board members, one from each side of the vote, and three uninvolved FTA members. Each board member shall nominate an uninvolved FTA member and a final member must be put forward by majority vote of the remainder of the board. The decision of the Disciplinary Committee is final.

Where a complainee refuses to comply with any final decision, they shall be subject to the FTA's disciplinary process.

The FTA may use funds to put right consumer grievances, subject to board approval.

8 Disciplinary and appeals process

Any member found to be in breach of this Code of Practice - depending on the severity of the offence - may be advised, informally warned, formally warned or expelled from the organisation.

An informal warning may be given verbally and carries no permanent record.

Multiple informal warnings may lead to a formal warning, but this must be made clear in writing prior to any formal warning being issued.

A formal warning must be given in writing by a board member or appointed officer and will remain on record for 24 months.

Multiple formal warnings may lead to consideration for expulsion, but this must be made clear in writing prior to expulsion procedures being initiated.

Expulsion from the organisation must be confirmed in writing after approval of the board and may be sanctioned for multiple or repeat formal warnings (three or more in any 24 month period) or in cases of exceptionally severe offences as determined at the discretion of the board.

FTA members issued with formal warnings by individual board members have the right to appeal to the full board. The decision of the full board is final. The full board must reach a majority decision for the formal warning to stand. In the event of the full board being split/tied, the formal warning is rescinded.

FTA members issued with expulsion from the organisation have the right to appeal to a Disciplinary Committee. The committee shall consist of an uninvolved FTA member nominated by the Board, a trading standards advisor, and a layperson. The decision of the Disciplinary Committee is final.

Example

A consumer or other interested party informs the FTA that one of its members is not listing tickets correctly (for example, without seat numbers or face value, or anything contrary to Sections 3-6 of this Code of Practice). The member would be informed and advised to correct the listing and to ensure all their listings are correct. If this was an isolated incident, this would be nothing more than an advisory. If it appears the member is making widespread errors due to carelessness or laziness, they would be informally warned.

If it appears the member is deliberately listing unlawfully, and/or the advisory or informal warning makes no difference to their conduct, then a formal warning would be given.

Any member found to be in breach of The Breaching of Limits on Ticket Sales Regulations 2018 (unlawful bot use) shall be expelled from the organisation.

Vetting and joining procedures for potential new members

The FTA is open to new members that agree to adhere to its Code of Practice. The FTA will provide an application form on its website for potential new members to complete.

Membership requests are reviewed by the board and considered carefully. We request details of trading history and other business information, and research any company history available on the Companies House website.

For sole traders and traders without companies we carry out basic background checks for any evidence of potential bad character. All potential new members are interviewed over the phone and/or in person, and where appropriate, references are sought from other members or individuals in the industry.

All potential members must read the Code of Practice and agree to abide by it before being considered for membership. Through our resources and contacts in both the secondary sector and law enforcement we are confident that our joining process is as appropriately thorough as it should be.

Members cannot join the FTA without making a financial contribution. This is usually a significant one-off payment of at least £1,000 (joining fee) and then a regular (direct debit) monthly payment of at least £50. The sums will vary depending on the income/size/history of the potential new member.

Members must sign an agreement confirming that they will adhere to the FTA's Code of Practice, abide by all relevant laws and legislation, not bring the name or reputation of the FTA into disrepute, as well as confirming their adherence to all FTA disciplinary procedures.

The joining fee and monthly payments are not insurance bonds and are not refundable should any member wish to leave (or be expelled from) the organisation. The FTA is a not-for-profit organisation and any funds generated through its membership or commercial activities shall be used to further promote its interests and objectives.

The FTA is not responsible for the conduct of its members nor is the FTA liable for their wrongdoings. However, our disciplinary procedures will be thorough, and bad practices will result in financial and other penalties. Persistent bad practices will result in a member's expulsion. The FTA will where the board feels it appropriate use funds to help remedy consumer harm.

The FTA shall seek to educate its members as well as other interested stakeholders and provide guidance where possible to ensure its members always comply fully with all relevant laws.

The FTA will seek to work with all relevant authorities and enforcement agencies, and is committed promoting a healthy, lawful and transparent secondary ticketing market.