


RE: Pubs - Proposed Small Business Bill

14 August 2015

14:14

Subject	RE: Pubs - Proposed Small Business Bill
From	[redacted]
To	[redacted]
Cc	McLynchy Julie (ED); [redacted]
Sent	30 June 2014 15:03
Attachments	 Jenny Will... [attachment withheld - included in FOI 07595]

From: [redacted]
Sent: 30 June 2014 14:20
To: McLynchy Julie (CCP); [redacted]
Cc: [redacted]
Subject: Re: Pubs - Proposed Small Business Bill

Dear Julie

Thanks for your understanding. How about 15th July at 3 p.m. - your offices ?

I hope to bring along another two, names to be confirmed before the 15th July. I am checking the availability of my colleagues.

[redacted]

Regards.

Simon Clarke

-----Original Message-----

From: McLynchy Julie (CCP) <[redacted]>
To: siclarke <[redacted]>; [redacted]
CC: [redacted]
Sent: Fri, 27 Jun 2014 17:23
Subject: RE: Pubs - Proposed Small Business Bill

Dear Simon

Certainly I think forgetting holidays is a very bad idea! Tuesday 15th July is fine for us – any time from 2.30pm. Can you reply copying to all with a suggested time and the team will confirm and sort out a meeting room in my absence. Also if you have any further questions in the meantime please do let us know and hopefully we can then give you better thought through answers on the day.

If you are still planning on bringing others with you can you confirm that too please and let us have names so that we can notify reception and ensure the meeting room is an appropriate size.

Many thanks and see you then. And enjoy your holiday!

Best wishes

Julie

From: [redacted]
Sent: 27 June 2014 11:16

To: McLynchy Julie (CCP); [redacted]
Cc: [redacted]
Subject: Re: Pubs - Proposed Small Business Bill

Dear Julie

I am so sorry - in my enthusiasm I have neglected to spot I'm on holiday from Thursday 10th to Monday 14th (am sure the family would never forgive me !).

How is Tuesday 15th July - time to suit you ?

Simon

-----Original Message-----

From: siclarke <[redacted]>
To: McLynchy Julie (CCP) <Julie.McLynchy@bis.gsi.gov.uk>; [redacted]
CC: [redacted]
Sent: Thu, 26 Jun 2014 17:23
Subject: RE: Pubs - Proposed Small Business Bill

I'm happy to wait til your available. Friday would be great, shall we say 11.30 at your offices ?

I know there will be much to discuss. I'd like to bring a few others if that's ok but am happy to meet solo if you'd prefer. I do have some points to make about the rent assessments that will need a clear mind and a bit of time to digest.

Regards.

Simon

From: McLynchy Julie
To: [redacted]
RE: Pubs - Proposed Small Business Bill

Dear Simon

Many thanks for your email which is very timely as now that the Bill has been published we are keen to talk through the details and any concerns with key stakeholders, so we were about to get in touch and suggest meeting. The team for taking forward the legislation is essentially the same as that which developed the Response to the consultation. [redacted]. We'll obviously be working very closely with the Small Business, Enterprise and Employment Bill team and they will lead on overall Bill management and handling, but the detail on pubs remains with us.

So, it'd be good to meet soon and talk through the concerns you've identified below and any others that arise. And we can talk you through how the whole package hangs together.

I'm on leave next week and back on Wednesday 9th July. So is Weds 9th or Friday 11th any good for you? On the Wednesday I'd have a preference for the afternoon if possible so I have a chance to get my head back in gear and catch up, but I'd need to be finished by 4.20pm as I have a 4.30pm meeting outside of BIS. On the Friday I could do any time from 11.30am. I'll obviously bring other members of the team with me.

If you'd prefer to meet sooner then [redacted] would be happy to meet you next week, with other colleagues. They're completely on top of the detail. I've copied them in as if that's your preference it's probably easier if they liaise directly with you over a day and time.

Let us know what you'd prefer, and we look forward to meeting up soon

Best wishes
Julie

[redacted]

From: [redacted]
Sent: 26 June 2014 11:45
To: [redacted]; McLynchy Julie (CCP)
Subject: Pubs - Proposed Small Business Bill

Dear [redacted] and Julie

I appreciate you are probably war weary from the Public Consultation, Government Response, Queens Speech and draft

Bill preparation but I have quite a few questions and am not sure what the correct protocol is. Has this moved 'desks' now ?

I briefly met Dr Cable at the FSB parliamentary drinks a few weeks ago and I got the impression he seemed to think Government had delivered practically everything but MRO. Parking MRO for a minute, I'd like to discuss the Government commitments, to deliver fairness and the 'no worse off' principle.

On first reading the proposed code and the draft Bill it appeared to deny the Adjudicator the powers needed to deliver the Government commitments but as I am reading it I am seeing some glimmers of hope. The effort to get MRO will continue but in the meantime I do want to get tenants behind the positives of what is being proposed I am just struggling to identify them clearly.

Put simply, am I right in saying that should a lease or tenancy provision be shown to be unfair the Secretary of State may effectively render that provision unenforceable, a power like the OFT have in instances where contract terms are anti competitive ?

and

Does the Adjudicator to have power to actually determine a tied rent through the arbitration provisions offered in the Bill ? (I still have massive reservations about this all ending up back on the doorstep of the RICS which is in my view unduly influenced by the pubco's surveyors - if the adjudicator refers the arbitration back to surveyors we will be back to square one).

Whilst we still believe MRO is the only simple way of delivering the Govt commitments, and actually frees the market to decide the future of the tied model rather than relying on the captivity of tenants in an easily abused relationship, if someone can clarify these two queries I think I can drum up a more positive response from tenant organisations to the Governments proposals.

If you would like to discuss please call or let me know when would be convenient to come in and see you.

Regards.

Simon Clarke
[redacted]

Re: Chat

11 August 2015

10:46

Subject	Re: Chat
From	Jonathan Mail
To	[redacted]
Sent	01 July 2014 09:45

Hi [redacted] -
Tuesday 8th at 1pm would work well. See you then.
Many thanks
Jonathan Mail
Head of Public Affairs
CAMRA, The Campaign for Real Ale

[redacted]

On 30 June 2014 18:45, [redacted]> wrote:

Hi Jonathan,

Next Tuesday and this Thursday are both difficult unfortunately. I can do 1pm on the Tuesday 8th or I could do any time on Wednesday the 9th?

Are they any good for you?

Many Thanks

[redacted]

From: Jonathan Mail [[redacted]
<mailto:Jonathan.Mail@camra.org.uk>]
Sent: 30 June 2014 11:09
To: [redacted]
Subject: Re: Chat

Hi [redacted] -

Yes, I'd be very pleased to come in for a chat about progress on pubco reform.

Next Tuesday at 2pm would be ideal if you were available then. Alternatively I could do this Thursday either at 11am or 2pm.

Many thanks

Jonathan Mail
Head of Public Affairs
CAMRA, The Campaign for Real Ale

[redacted]

On 27 June 2014 17:20, [redacted]> wrote:

Hi Jonathan,

Given that we have now published our legislative plans on the Pubs Code and Adjudicator I was wondering if you were around for a catch-up as it would be good to hear your views on the package.

Best Regards,

[redacted]

FW: PMA Story

14 August 2015

14:13

Subject	FW: PMA Story
From	[redacted]
	McLynch Julie (ED)
Sent	02 July 2014 15:13

From: Dave Mountford [redacted]

Sent: 02 July 2014 13:53

To: [redacted]

Subject: RE: PMA Story

Jane

Rest assured I don't want to drag you into individual stuff – trust me I could you occupied for days !!

I really want to stay on your side with this issue, having been very much at the forefront of getting something potentially into legislation, so I don't want to appear ungrateful or small minded.

I just want to demonstrate how, by not going the full distance, I believe the result of the consultation is the very worst thing for the industry as the PUBCO Model has been given TIME to continue to rid itself of its tenanted estates.

[redacted]

Please involve me in future discussions

Best wishes

Dave Mountford

From: [redacted]

Sent: 02 July 2014 13:24

To: Dave Mountford

Subject: RE: PMA Story

Dave

Thanks for flagging the story. We don't want to get drawn into individual cases but you will receive a reply to the letter you sent Jenny Willott. It does not appear to have been received by the Minister's office so thanks for separately forwarding it to me.

Regards

[redacted]

[redacted]

From: Dave Mountford [redacted]
Sent: 02 July 2014 12:23
To: [redacted]
Subject: PMA Story

[redacted]

Hi, hope you are well.

The story generated by my letter has hit the press today

<http://www.morningadvertiser.co.uk/General-News/Marston-s-tries-to-sell-pub-with-vacant-possession-despite-tenancy-until-2016>

[redacted]

Perhaps we can discuss in more detail ?

Best wishes

Dave Mountford

FW: meeting 2/7/14

04 August 2015

From: [redacted]
Sent: 07 July 2014 10:00
To: Martin Caffrey; McLynchy Julie (CCP); [redacted]
Subject: RE: meeting 2/7/14

Hi Martin,

Thanks for this and for your and John's time last week. Happy to review your further thoughts and I'll make sure the whole team sees them

Best Regards,

[redacted]

From: Martin Caffrey

Sent: 04/07/2014 16:50

To:[redacted]; McLynchy Julie (CCP); [redacted]

Subject: meeting 2/7/14

Dear [redacted],

Thanks for the meeting Tuesday we appreciated having time to discuss your proposals at some length. We will be writing shortly to give our detailed comments on the Statutory COP proposals as we were unable to form a joint view as John Whittaker had only recently returned from holiday. I have arranged a meeting next week to coordinate this response and will communicate same shortly afterwards.

Having wisely set aside the "FOT and Guest Ale solutions" we are still left with the problem of how to ensure the tied tenant is not unfairly disadvantaged through the fundamental imbalance inherent within the Pub Co/ Beer Tied Licensee relationship. We remain convinced the Licensee needs a bulwark to rebalance this relationship and provide support and advice and somewhere within the settlement this needs to be accommodated. The Helpline solution previously outlined at a joint meeting with Julie and Pub Co representatives is one the Industry was prepared to support and indeed fund under self governance arrangements; failure to implement through the Statutory solution would be a huge loss to the Tied Tenant, and a cynical swerve by the Industry. Continuing this theme, we are anxious to consolidate the negotiated positions within the COP we had agreed over the last 12 months of negotiations and see those fully reflected within the Statutory COP. [redacted]

It may be within the overall settlement, undertakings could be sought from the BBPA to retain both PIRRS and Pica Service and establish Helpline, to sit alongside the Statutory Code and Adjudicator.

A Universal Code for all which is detailed, specific and actionable is called for which in time will become a coffee stained handbook for Licensees in search of guidance and clarification.

Using this as our approach we will look in detail at the proposed Statutory Code and cross reference this against the position we had negotiated with both the Pub Co's and the BBPA then respond to yourselves.

Thanks again for your time.

Regards.

Martin

[redacted]

Martin Caffrey

Martin Caffrey

Operations Director

Federation of Licensed Victuallers Associations

[redacted]


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FW: Small Business Bill 2nd Reading 16 July 2014

04 August 2015

16:08

Subject	FW: Small Business Bill 2nd Reading 16 July 2014
From	[redacted]
Sent	23 July 2015 13:43
Attachments	 Small Busi...

[redacted]

From: Kate Nicholls [redacted]

Sent: 16 July 2014 08:03

To: 'Kate Nicholls'

Subject: Small Business Bill 2nd Reading 16 July 2014

Please find attached a short briefing in advance of the Second Reading debate on the Small Business Bill, focusing in particular on the clauses relating to the relationships between pub companies and their tied tenants and lessees. The ALMR is the only national trade body dedicated to representing the views of multiple lessees and licensees, two thirds of which are SMEs and a third of which are tied, and we should be happy to provide any additional briefing should you require it.

Kind regards

Kate Nicholls
Strategic Affairs Director

Association of Licensed Multiple Retailers
[redacted]

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Small Business, Enterprise and Employment Bill Second Reading Debate 16.07.14

The Small Business, Enterprise and Employment Bill finally set out the Government's position on the relationship between pubcos and their tenants. **This draws a line under a long period of uncertainty which has undoubtedly hampered investment in the licensed hospitality sector.**

The Bill will introduce a Statutory Code for pub companies, introduce a Pubs Adjudicator, based on the Groceries Code Adjudicator, to rule on disputes and contains a triennial review provision to assess the continued effectiveness and necessity of the statutory regulations.

All tied lease and tenancy agreements will be covered by a "Core Code", which will give all tied tenants and lessees the **right to request an open market rent review if they have not had one for five years. This should in our opinion also apply where there has been a material change in circumstances.** All tenants and tied lessees also have the **right to take disputes to a new independent statutory Adjudicator. This must apply to all existing agreements as well as those going forward.**

The focus on rent calculations, transparency of information provided by the pub company and the ability to request a review in exceptional circumstances is the central issue that must be addressed. We are pleased that the Bill commits Ministers to act within the year.

We consider that the devil remains in the detail of the Code's actual clauses, which will only be determined at a later date. The draft published by BIS is a good overview, but there is much work still to do to ensure that it delivers statutory regulation at least as comprehensive as the current voluntary Code. **We urge that Parliament devote the appropriate level of scrutiny during the passage of the Bill to determine the precise content of the Code as well as place the Code on a statutory footing.**

However, we would like to see greater clarity from the Government on how the Code will apply to short term temporary agreements (under one year) and 'tenancies at will' (providing tenants and owners the flexibility to change rental situations easily and without breaking a contract). **Ideally we would like to see the Code exclude agreements of any type less than one year in duration to avoid unnecessary temporary closures.**

Finally, **we urge that the new Code is swiftly implemented** via secondary legislation within 12 months following the enactment of the Bill. The sector needs stability and consistency to ensure a fair, free and flexible market and its continued ability to promote jobs and growth right across the UK.

The ALMR is the only national trade body dedicated solely to representing the needs and concerns of the broad range of licensed hospitality operators. Between them our 175 member companies operate just under 14,500 outlets, employing 350,000 staff; together they account for almost all managed pubs in the UK.

We are an industry of entrepreneurs – 75% of the sector are SMEs – and therefore highly sensitive to changes in the tax and regulatory environment. Operating on tight net profit margins of just 4% and with 42% of our turnover taken up with local and national taxes, legislation is the single biggest factor in our ability to sustain investment in jobs and growth at the heart of local communities.


For further information please contact: Kate Nicholls, Strategic Affairs Director, ALMR

[redacted]

FW: Second Reading Briefing from CAMRA

04 August 2015

15:37

Subject	FW: Second Reading Briefing from CAMRA
From	[redacted]
Sent	23 July 2015 14:09
Attachments	 Small Busi...

[redacted]

From: Jonathan Mail [redacted]

Sent: 09 July 2014 12:59

To: [redacted]

Subject: Fwd: Small Business Bill - Second Reading Briefing from CAMRA

Dear all -

Thank you for the opportunity to discuss pubco reform with you all yesterday. I thought you might be interested in seeing a copy of our MPs briefing for the Bill's second reading which is attached

One point I forgot to raise yesterday was that of Scotland. We are obviously keen that tenants in Scotland benefit from the protection of the Code and Adjudicator and will be lobbying the Scottish Government on this. Do you have any sense of whether the Scottish Government are or have given consideration to a Legislative Consent Motion?

Many thanks

Jonathan Mail
Head of Public Affairs
CAMRA, The Campaign for Real Ale

[redacted]

----- Forwarded message -----

From: **Emily Ryans** [redacted]

Date: 9 July 2014 11:41

Subject: Small Business Bill - Second Reading Briefing from CAMRA

To:

Good morning,

Ahead of the Second Reading of the Small Business Bill on Tuesday 15th July, please find attached a briefing from CAMRA.

The Bill introduces a new independent Pubs Code and Adjudicator to protect Britain's tied pubs and the licensees who run them. CAMRA's briefing sets out the positives of the Bill and

also what is missing and the amendments we are calling for.

Please show your support for your local pub licensees, breweries and consumers by attending the Second Reading on Tuesday, contributing to the debate and supporting the Bill at this and future stages.

Many thanks
Emily

Emily Ryans
Senior Campaigns Manager
CAMRA, the Campaign for Real Ale
[redacted]

Small Business Bill

Second Reading – 15th July 2014

CAMRA Briefing



INTRODUCTION

The Small Business, Enterprise and Employment Bill ("Small Business Bill") introduces a new independent Pubs Code and Adjudicator to protect tied pubs in England and Wales, and the licensees who run them. CAMRA has been campaigning for reform of the large pub companies since the Trade & Industry Select Committee first looked at the issue in 2004, and we are pleased that the Government has acted.

While we urge the Government to go further, these proposed reforms represent significant progress in ending the scandal of excessive rents and high beer prices which have forced many pubs to close. Licensees (57% of whom say that they currently earn less than £10,000 a year) could see the price they pay for beer fall by up to 60p a pint if the Adjudicator forces the big pubcos to match open market prices. As a result we could see more investment in pubs, lower prices for consumers and ultimately fewer pub closures.

THE BILL - POSITIVES

Key points - The Pubs Code:

- The Code will enshrine key principles of fair and lawful dealing in respect of all pub companies, and that licensees tied to large pub companies should be no worse off than if they were free of tie
- Licensees concerned they are not getting a fair deal will be able to request a "parallel rent assessment" setting out the rent that would be payable if the premises were free of tie
- The Code must be brought into force within one year of the Bill being passed
- The Code is to be reviewed after two years and then every three years, including an assessment of how the fair dealing and no worse off principles are being delivered

Key points – the Adjudicator:

- The Adjudicator will have the power to arbitrate disputes between pub companies and licensees, providing a fast, low-cost and effective means of redress for tied licensees in the event of code breaches
- The Adjudicator will have the power to conduct investigations where there are reasonable grounds to suspect a pub company has failed to comply with the Code
- The Adjudicator will be able to take enforcement measures in the event of non-compliance with the Code, by making recommendations, requiring information to be published and crucially imposing financial penalties

The Government has also acted to try and prevent companies 'gaming the system' by rebranding tied agreements as franchises or increasing the use of very short term agreements in order to escape the provisions of the Code.

Small Business Bill

Second Reading – 15th July 2014

CAMRA Briefing



WHAT'S MISSING?

We are disappointed that the legislation does not include market rent only and guest beer options. Requiring the big pub companies to provide tied licensees with these options would be the simplest means of ensuring fair play. CAMRA is calling for the Bill to be amended to deliver:

- A choice for licensees between a tied option and a market rent only option. A market rent only option means that licensees would pay a market level rent for the property, but would be free to buy beer and other products on the open market from any supplier. Giving licensees this choice would incentivise pub companies to act in a competitive manner and make their tied deals fair and attractive.
- A guest real ale option – all licensees who choose to remain tied should be given the dispensation to stock one guest real ale (sourced from any brewery) to enhance consumer choice and boost Britain's thriving independent brewery sector.

We also have some concerns regarding the lack of clarity in provisions for parallel rent assessments. In the event that a parallel rent assessment establishes that a tied licensee is worse off than if they were free of tie, this must be an arbitrable breach of the Code so the Adjudicator can take enforcement measures to rebalance risk and reward.

HOW CAN YOU SHOW YOUR SUPPORT?

Please support your local pub licensees, breweries and consumers and:

- Attend the Second Reading on Tuesday 15th July and contribute to the debate
- Support the Bill at Second Reading and at future stages
- Highlight the need for amendments to the Bill to introduce guest beer and market rent only options for licensees tied to large pubcos, delivering the principle that tied tenants should be no worse off than if they were free of tie.

CONTACT CAMRA

For more information, visit www.camra.org.uk/beertie, or contact CAMRA:

Jonathan Mail
Head of Public Affairs

Emily Ryans
Senior Campaigns Manager

FW: Meeting

12 August 2015

11:34

Subject **FW: Meeting**

[redacted]

From: McLynchy Julie (CCP) [redacted]
Sent: 22 July 2014 16:46
To: Dave Mountford
Subject: RE: Meeting

That's fine – Tues 12 August at 9am it is. Then you can go and be a tourist!

See you then
Julie

[redacted]

From: Dave Mountford [redacted]
Sent: 22 July 2014 15:56
To: McLynchy Julie (CCP)
Subject: RE: Meeting

Julie

The earlier the better – 9.00 am – is that ok for the 12th ?

Dave

From: McLynchy Julie (CCP) [redacted]
Sent: 22 July 2014 14:47
To: Dave Mountford
Subject: RE: Meeting

Hi Dave

I'm part time and don't work on Mondays so can't do the 11th but I could do Tues 12th in the morning. I'm on a training event from 10.30 to 4pm but could meet before that if it's not too early for you? 9.30? Or 10am (I can miss the start of the training if need be). Hope that works

Julie

From: Dave Mountford [redacted]
Sent: 21 July 2014 22:39
To: McLynchy Julie (CCP)
Subject: RE: Meeting

Julie

Would really prefer you to be there – the following week - 11th or 12th ?

Dave

From: McLynchy Julie (CCP) [redacted]
Sent: 21 July 2014 21:45
To: Dave Mountford
Subject: RE: Meeting

Thanks Dave.

Would you believe that's the one week I'm out of the office over the summer! I don't have any childcare cover that week so not something I can change I'm afraid. Sorry about that. Would you be happy to meet with [redacted] in my absence? I think you've met them both before and they both know the details inside out and are very capable of talking you through everything and hearing your concerns. [redacted]

Best wishes
Julie

From: Dave Mountford [redacted]
Sent: 21 July 2014 14:56
To: McLynchy Julie (CCP)
Subject: Meeting

Julie

I hope you are well.

Following on from our telephone conversation we have tentatively looked at coming down to London on Monday and Tuesday the 4th and 5th of August.

As we will be bringing the kids and doing some "tourist stuff" I was hoping we could meet up either in the afternoon of the 4th or morning of the 5th.

Perhaps you could get back to me with some possible times ?

Look forward to hearing from you

Dave

RE: Catch Up

11 August 2015

10:45

Subject	RE: Catch Up
From	
To	[redacted]
Sent	14 August 2014 14:36

[redacted]

From: [redacted]
Sent: 12 August 2014 12:23
To: [redacted]
Cc: Tim Hulme;
Subject: RE: Catch Up

Hi.

That's great. Mikayla Lettin will also join Tim at the meeting.

Kind regards and thanks for your help.

[redacted]

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From: [redacted]
Sent: 12 August 2014 12:18
To: [redacted]
Subject: RE: Catch Up

Hi [redacted]

Can we go for 10am on Tues 19 August? If Tim's willing to come to 1 Victoria Street, that would be really helpful.

Regards

[redacted]

From: [redacted]
Sent: 12 August 2014 08:04
To: [redacted]
Cc: [redacted]
Subject: RE: Catch Up

Hi [redacted]

I have now spoken to Tim and he has asked me to set up this meeting.

Tim's availability is as follows (I assume this meeting will be in your offices):

9.00am - 10.30am 14th August

Any time between 9.00am and 2.00pm on 19th August

Any time between 9.00am – 12.00noon on 21st August

I look forward to hearing if any of these times are suitable.

Kind regards

[redacted]

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From: [redacted]

Sent: 18 July 2014 10:17

To: [redacted]

Cc: [redacted]

Subject: RE: Catch Up

That's fine [redacted],

Perhaps Tim could get in touch when he gets back. I'll be on leave at that point but [redacted] cc'd will be able to arrange a meeting.

Many Thanks,

[redacted]

From: [redacted]

Sent: 18 July 2014 10:07

To: [redacted]

Subject: RE: Catch Up

Dear [redacted]

Tim has just gone on annual leave and is not back in the office until 11th August. Can this wait until his return?

Kind regards

[redacted]

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From: [redacted]

Sent: 18 July 2014 10:04

To: Tim Hulme

Subject: Catch Up

Hi Tim,

I hope this finds you well.

We would be interested to hear your views on our proposals for the Pubs Code and Adjudicator and wondered whether you would find a meeting useful too?

If so, then perhaps you could suggest a couple of dates to choose from over the next 2 /3 weeks. Tuesday, Wednesday and Friday are best for us but if not convenient we can look at Mondays or Thursdays.

Best Regards,

[redacted]

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RE: Catch Up

11 August 2015

10:45

Subject	RE: Catch Up
From	Kate Nicholls
To	[redacted]
Sent	10 September 2014 12:30

Yes, the meeting was useful and there are some outstanding action points I offered to take away and work on, which I am going through.

I am clear for a call tomorrow before 3.30pm or Monday

Kate Nicholls
Strategic Affairs Director

Association of Licensed Multiple Retailers
[redacted]

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From: [redacted]
Sent: 10 September 2014 10:10
To: Kate Nicholls
Subject: RE: Catch Up

Hi Kate,

Colleagues fed back some of the useful discussion you had last month. There were 2 or 3 points you made about the Code that I'd like to check my understanding on. Can you do a phone call in the next couple of days to discuss?

Thanks,

[redacted]

From: Kate Nicholls [redacted]
Sent: 22 July 2014 22:35
To: [redacted]
Cc: [redacted]; McLynch Julie (CCP)
Subject: RE: Catch Up

Thank you for coming back to me. I am also clear 27, 28 and am 29 August, 2 or 5 September if that

gives more dates to play with.

Kind regards
Kate

Kate Nicholls
Strategic Affairs Director

Association of Licensed Multiple Retailers
[redacted]

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From: [redacted]
Sent: 22 July 2014 19:30
To: Kate Nicholls
Cc: [redacted]; McLynchy Julie (CCP)
Subject: RE: Catch Up

Hi Kate,

Thanks for getting back to me. Meeting up after your holiday sounds sensible. I will be on leave for the dates you mention but Julie and others are around.

Julie's PA [redacted] will contact you with a date.

I hope you have a good break.

Best Regards,

[redacted]

From: [Kate Nicholls](#)

Sent: 21/07/2014 19:46

To: [redacted]

Subject: Re: Catch Up

[redacted]

Thank you for your email and apologies for the delay in replying but I have been away at meetings.

I would very much welcome the opportunity to meet. I am away on leave from this Week so it may be easier if I could leave until I return. I am available weds 13 pm, Thursday 14, 19, 20 or 21. I am also liaising with a small informal group of moderate landlords and lessees to see if we can work out a common line.

Let me know what dates work

On 18 Jul 2014, at 10:06, "[redacted]" wrote:

Hi Kate,

Hope you are well. We were wondering if you were up for a meeting to discuss our proposals in the context of your Second Reading briefing.

If you are then perhaps you could suggest a couple of dates in the next 2/3 weeks. Tuesdays, Wednesdays and Fridays would be best if possible but if not convenient we can accommodate a Monday or Thursday meeting.

See you soon I hope.

Best Regards,

[redacted]

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FW: Kate Nicholls Phone Call - Quick Readout

04 August 2015

16:10

From: [redacted]

Sent: 11 September 2014 11:46

To: [redacted]

Subject: Kate Nicholls Phone Call - Quick Readout

Hi all,

[redacted]

I now fully understand her 'put and keep', 'reasonable requests' and 'justification of assumptions' points.

- On 'put and keep' we simply need to replicate what they have done. The reference is something like "unless there is a reference to 'put' it will be assumed that the dilapidations responsibility is 'keep'".
- On 'reasonable requests' I explained that we had replicated the IFC but in different places in the Code. She agreed but thinks we ought to ensure that the reference to "information which may be used in third party determination of rent should not be unreasonably withheld and should be shared on request, subject to appropriate confidentiality agreements" ought to appear in the rent assessment section and not just Part 13 Dispute Resolution to ensure that POBs comply at all stages of a rent negotiation and not just in a dispute.
- On the justification point I took her through what we had done including the explicit reference to justification of

relevant requirements of RICS guidance and she was happy we had it covered.

None of the changes above are anything more than technical and should not present an issue when it comes to clearance.

She also raised 'request for rent review in circumstances outside of the tenant's control' and we talked through some of the potential triggers. I hope I've convinced her that this is an area where we will consult on the full range of triggers including when a pub is 'sold from under' the tenant. So I hope she doesn't raise this at Committee.

She will give us further points early next week. I think I hinted heavily enough that there wasn't much mileage in coming up with new wheezes.

Cheers

| Assistant Director, Consumers and Markets | Consumer and Competition
Policy Directorate | Department for Business, Innovation & Skills |
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