

From:
Sent: 13 June 2013 01:19
To: Pubs Consultation Responses
Subject: "Fair Deal for Your Local" consultation - my comments

Good morning

I have just filled in the online questionnaire regarding tied pubs often having the landlords, publicans, managers, etc being treated unfairly.

I am a consumer of ales and ciders (and possibly an occasional perry) and a tourist to pubs. In recent years, I have seen far too many pubs close - often time and time again, resulting in a final closure which causes the buildings to no longer retain their classification, but become flat land, flats, houses and supermarkets. My neighbouring ward () has only one pub remaining. This () is closed and the new owner of the property after its sale by the pubco, has recently notified the Council he intends to demolish it.

It is my belief that in addition to other factors such as escalating beer duty, the smoking ban, the property boom, the pubcos have been the core cause of pubs closing forever. I have heard through various communications, comments from publicans how the pubcos have treated them unfairly. One said he had to pay 20% above free-of-tie pubs for beers. This can deter customers from the use of such a pub. That in turn causes less demand on drinks, casks not being fully used before the beer goes off, resulting in a loss to the publican. This leaves restrictions on the range of beers the publican can afford to buy and offer to attract custom. This is a vicious circle!

Other publicans have had the condition of the pubs neglected by the pubcos.

A grade II listed pub () in my village of () has suffered terribly from this after the landlord could not afford to renew his lease with the pubco never maintaining the building when the landlord was trading and after he left.

Regarding the questionnaire I filled in, I wish to comment on the reasons for some answers I chose.

I feel a compulsory free of tie option should be used. If we have an opt-in / opt-out method, publicans who are new to the market could experience other problems such as extortionate targets of turnover or profit levels. If they pay high prices for beer but lower on rent, neglect by the pubco over the maintenance of the pub could arise, as in the case of () I mentioned above.

One question was about increased transparency by publishing tied and free-of-tie rent assessments. I would only be keen of this if the government finally decided publicans must have the option of being tied or free-of-tie. I feel the assessments could prove difficult both to carry out and make judgement from. This is due to factors such as the size of building, its capacity (does it have tall ceilings, causing heating to cost more?), whether it is in a rural or an urban area, whether it has any status of listing by English Heritage, or the Local Authority ('local listing'), the population of the area, etc.

Being tied to the use of gaming machines is unfair both to the publican and the customers. Their inclusion in a pub should be optional to the publican, as should jukeboxes. Not all customers want such items. The publicans should be able to choose the themes on which they wish to run their pubs eg, food-orientated, wet-led, live music, family-orientated, a meeting place for sports enthusiasts, gamers, etc. The publicans can then make their pubs unique to the area, allowing consumers a choice of which to use if there is a choice of pubs in an area. It also allows some customers who like to tour pubs (as I do) to change which part of their local area to visit on different nights. The variety can also encourage competition, from which the consumer can benefit further.

As for a guest beer option, I feel all pubs should be able to choose what beers they sell. If they have to stock core beers, then at least one beer (or more for larger pubs maybe) should be a guest one. This should NOT a seasonal one from the same brewery whose beers the pub may normally stock, as I have often seen. Some publicans will continue to sell the same restricted range of beers (Bas, Bass & Bass, or two Courage's beers, etc) with little change. That can be their choice but should not be compulsory as in a large number of cases. I feel few entering the market will go that way of their own choice, though. Publicans generally want to have the flexibility to run

their businesses their own way in order to reach their own targets and thrive. This can lead to an improvement to their local economies. If local beers cannot be bought through a pubco at a fair market price, that may not be fully achieved, though.

I feel there would be little point in having an adjudicator if they did not have all four of the following duties and powers:

- 1) Ability to arbitrate individual disputes about the Code, to ensure tenants could get compensation for any losses they had suffered;
- 2) Ability to carry out investigations to discover widespread breaches of the Code by pub companies;
- 3) Ability to impose fines on pub companies that breach the Code;
- 4) Ability to give advice and guidance to pub companies on how to comply with the Code and to tenants on their rights under the Code.

I believe OFGEM , OFCOM, etc have such responsibilities, and would view an adjudicator for pubs as equivalent to them.

Regarding the question over a distinction between leased and tenanted pubs, I couldn't decide. I felt it was not made clear what the differences were, and the effects expected on each. This is partly due to the questionnaire being introduced with the term 'tenants', 'tenanted' or similar, for all pubs in general.

I hope my comments are of use and help to result in an adjudicator being appointed to break the ties.

Regards

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