



Department
for Business
Innovation & Skills

PUB COMPANIES AND TENANTS

**Statistical Analysis of Written
Consultation Responses**

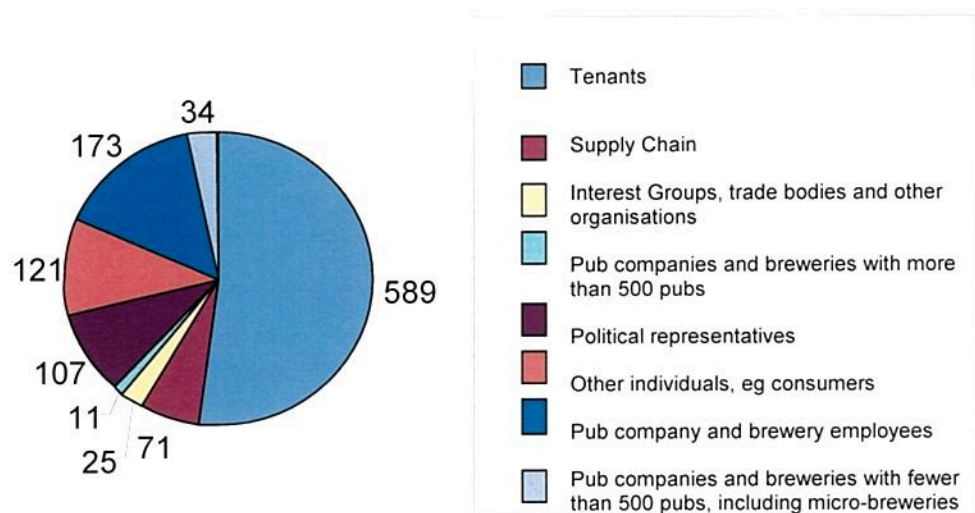
DECEMBER 2013

PUB COMPANIES AND TENANTS: A GOVERNMENT CONSULTATION

WRITTEN RESPONSES

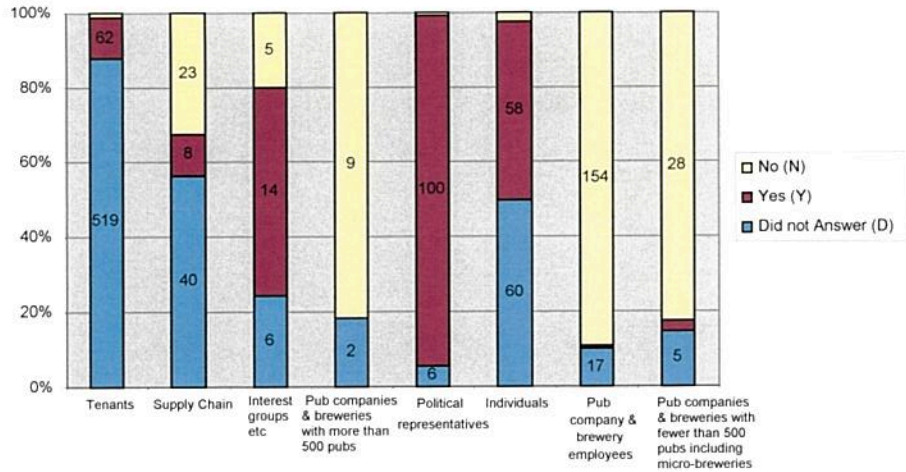
Pub companies and breweries with more than 500 pubs	11
Tenants	589
Pub companies and breweries with fewer than 500 pubs, including micro-breweries	34
Other individuals, eg consumers	121
Interest groups, trade bodies and other organisations	25
Supply chain	71
Political representatives	107
Pub Company and brewery employees	173
Total No. of respondents	1,131

Distribution of Respondents: Written responses

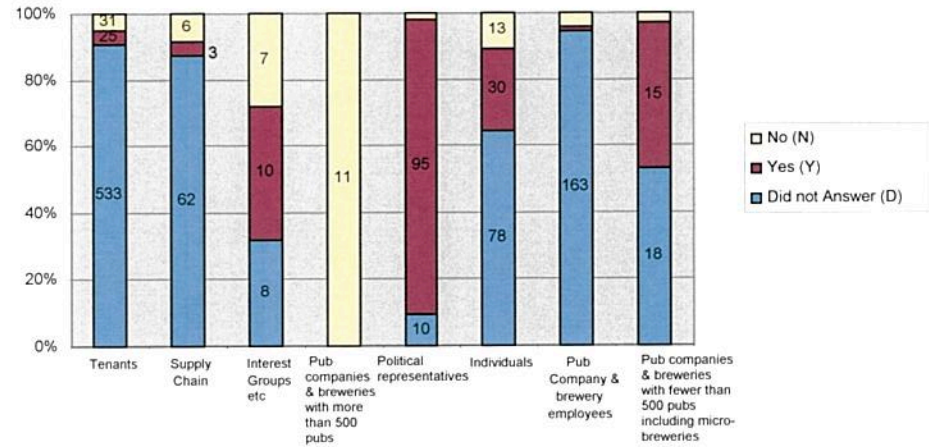


Analysis based on 1,131 written responses to the 8 week consultation. The final number of responses was 1,120 (after some duplicate responses were removed).

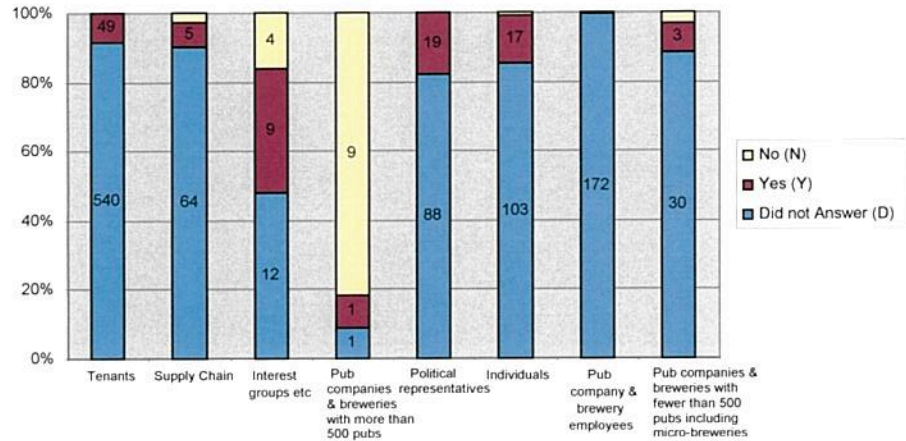
Q1. Should there be a Statutory Code?



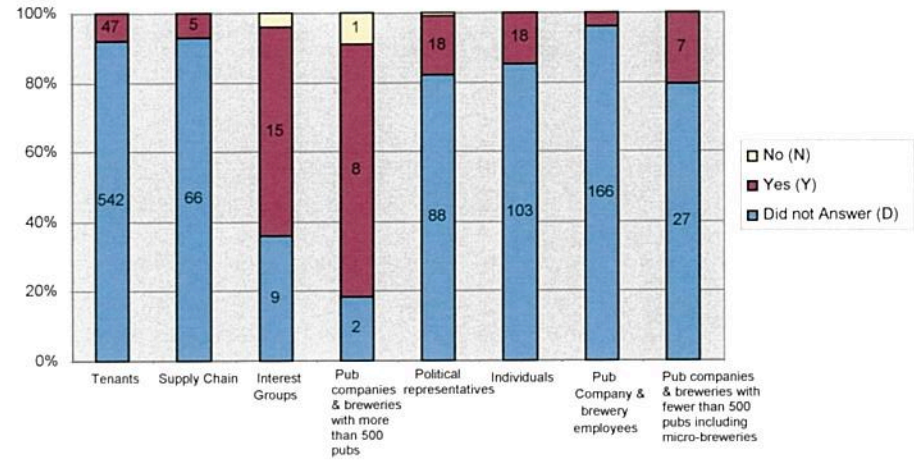
Q2. Do you agree that the Code should be binding on all companies that own more than 500 pubs?



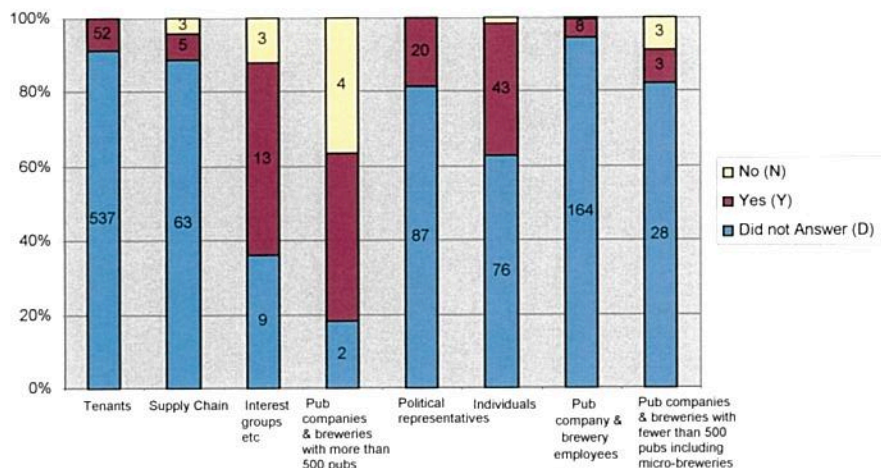
Q3. Do you agree that, for companies on which the Code is binding, all of that company's non-managed pubs should be covered by the Code?



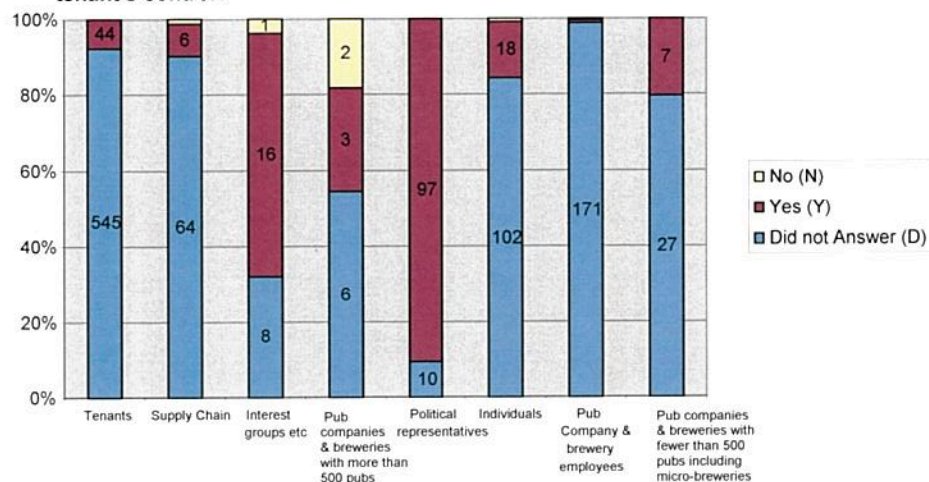
Q7(i). Do you agree that the Code should be based on the principle of Fair and Lawful Dealing?



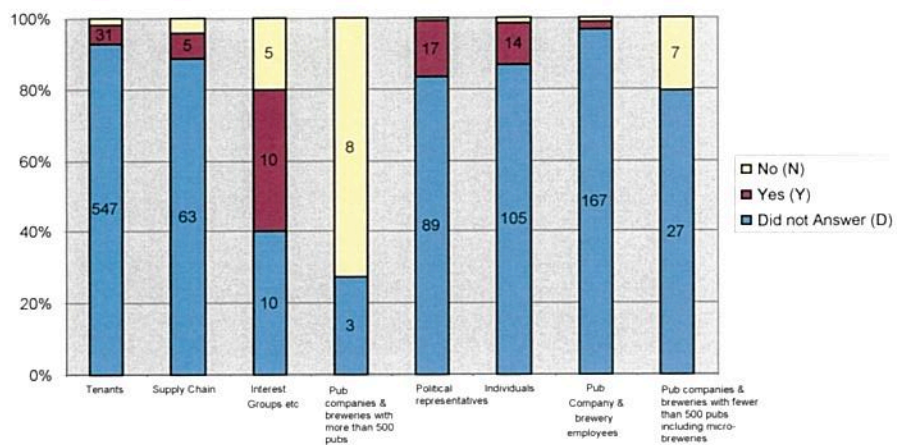
Q7(ii). Do you agree that the Code should be based on the principle that the tied tenant should be no worse off than the free-of-tie tenant?



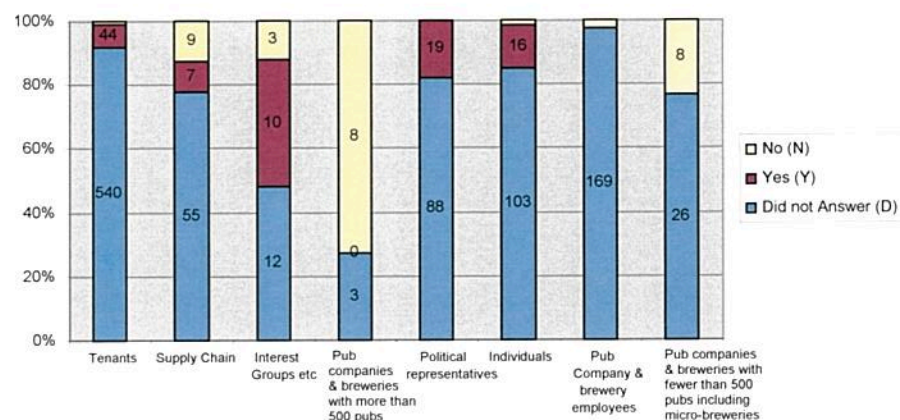
Q8(i) Do you agree that the Statutory Code should include a right for tenants to request an open market rent review if they have not had one in five years, if the pub company significantly increases drink prices or if an event occurs outside the tenant's control?



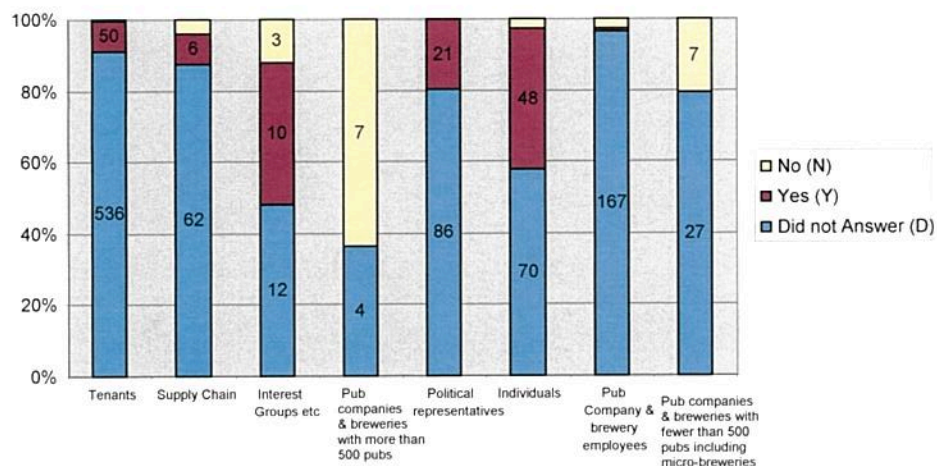
Q8(ii) Do you agree that the Statutory Code should include a provision to increase transparency, in particular by requiring the pub company to produce parallel tied and free-of-tie rent assessments?



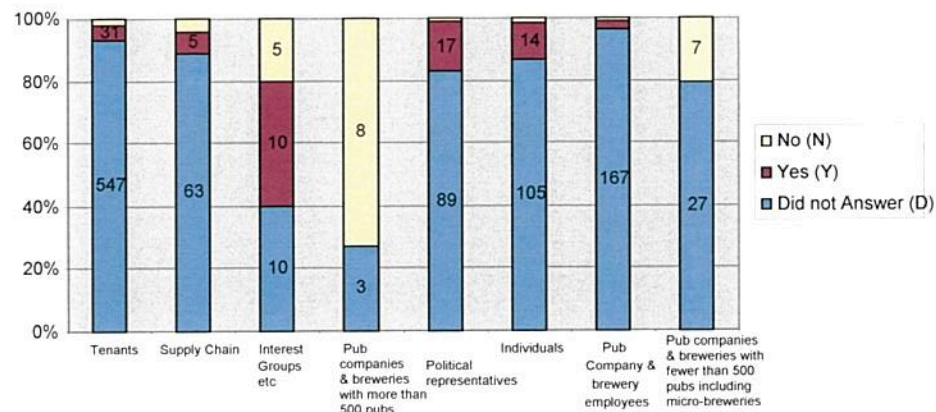
Q8(iii) Do you agree that the Statutory code should abolish the gaming machine tie and mandate that no products other than drinks may be tied?



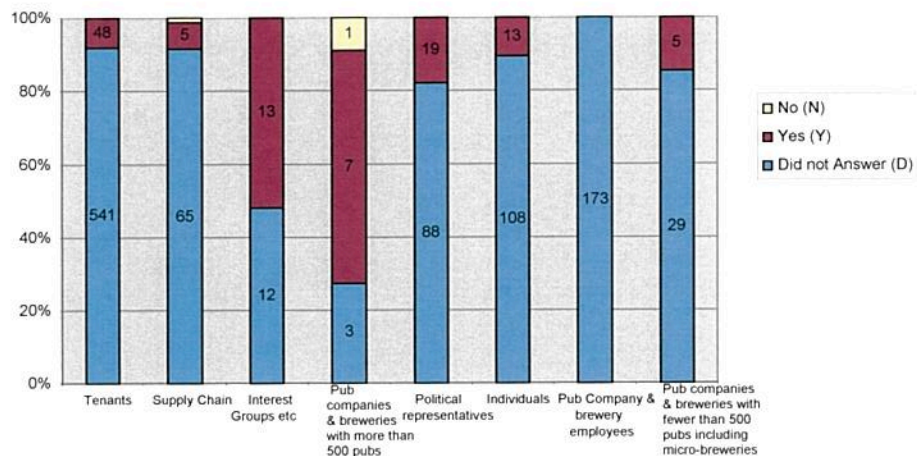
Q8(iv) Do you agree that the Statutory Code should provide for a “guest beer” option in all tied pubs?



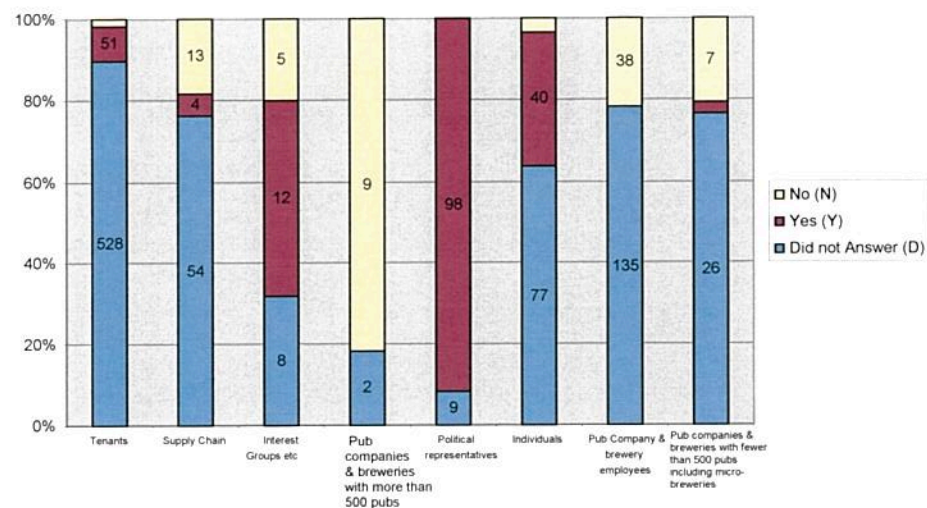
Q8(v) Do you agree that the Statutory Code should provide that flow monitoring equipment may not be used to determine whether a tenant is complying with purchasing obligations, or as evidence in enforcing such obligations?



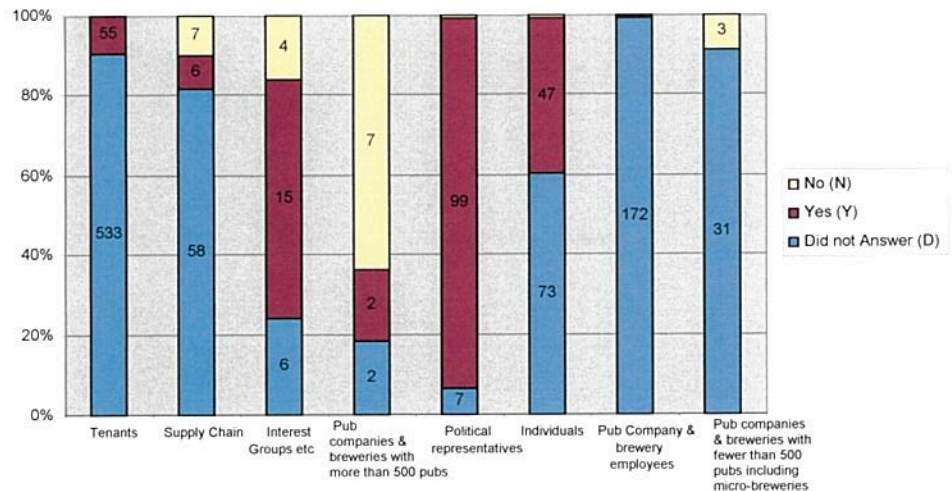
Q10. Do you agree that the Statutory Code should be periodically reviewed and, if appropriate, amended?



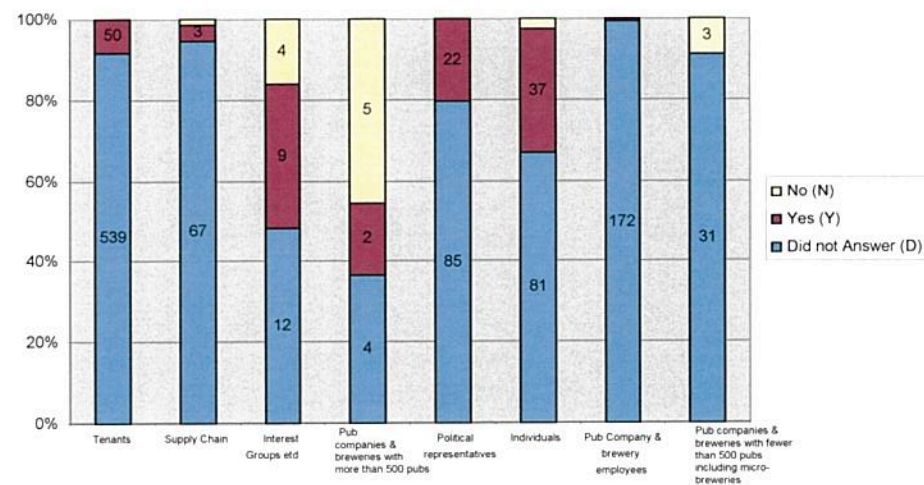
Q11. Should the Statutory Code include a mandatory free of tie option?



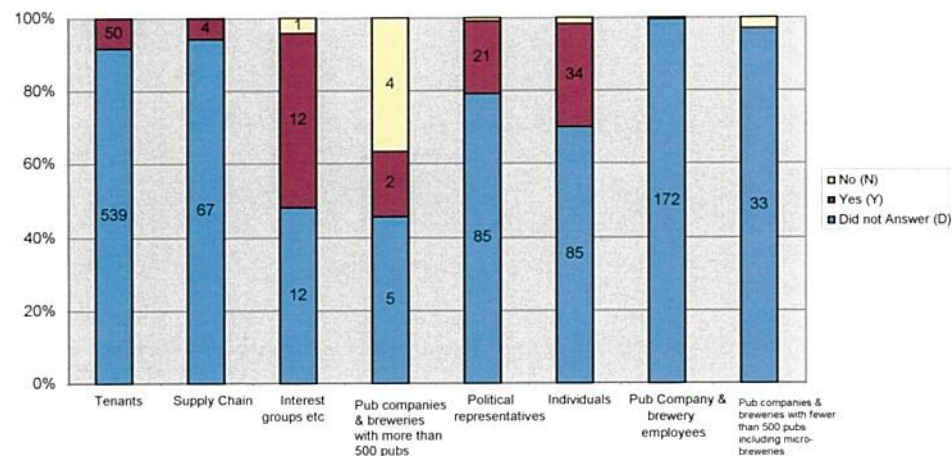
Q13. Should the Government appoint an independent Adjudicator to enforce the new Statutory Code?



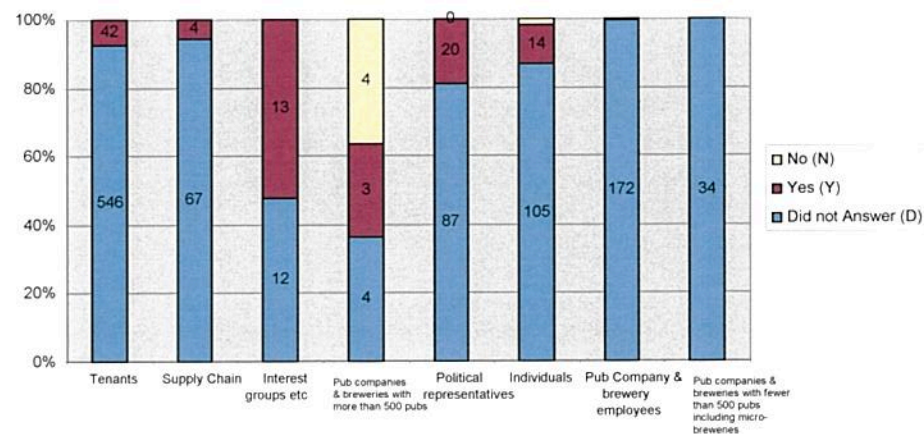
Q14(i). Do you agree that the Adjudicator should be able to arbitrate individual disputes?



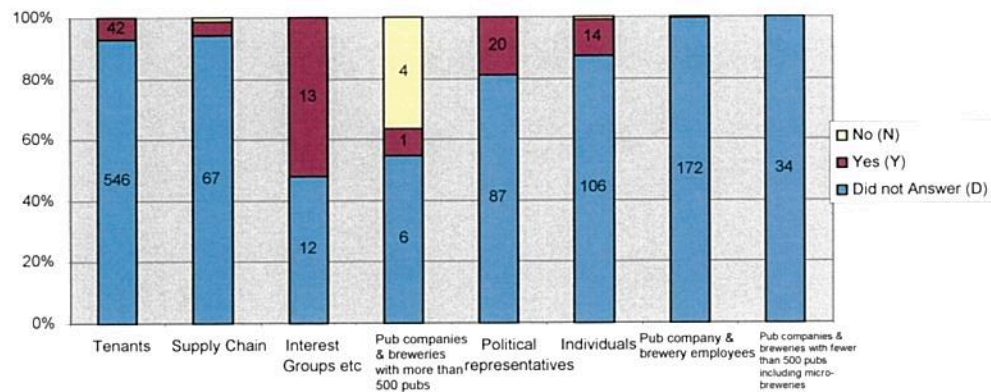
Q14(ii) Do you agree that the Adjudicator should be able to carry out investigations into widespread breaches of the Code?



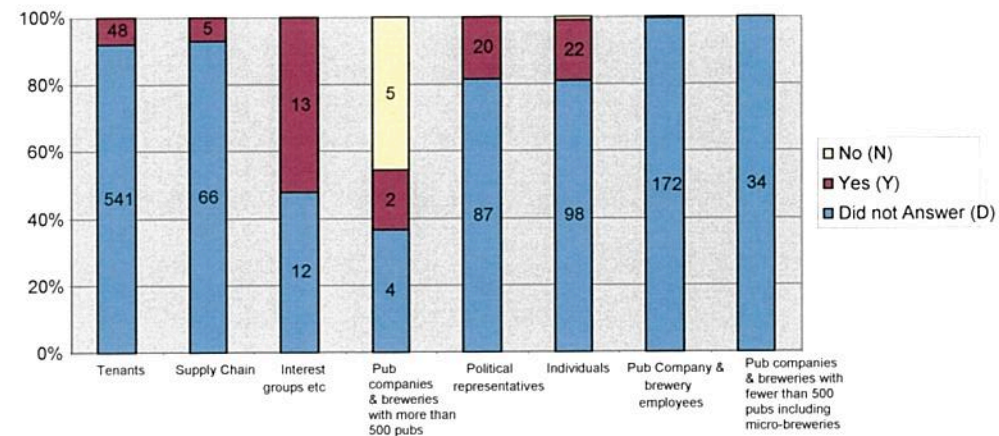
Q15(i) Do you agree that the Adjudicator should be able to impose a range of sanctions on pub companies that have breached the Code, including recommendations?



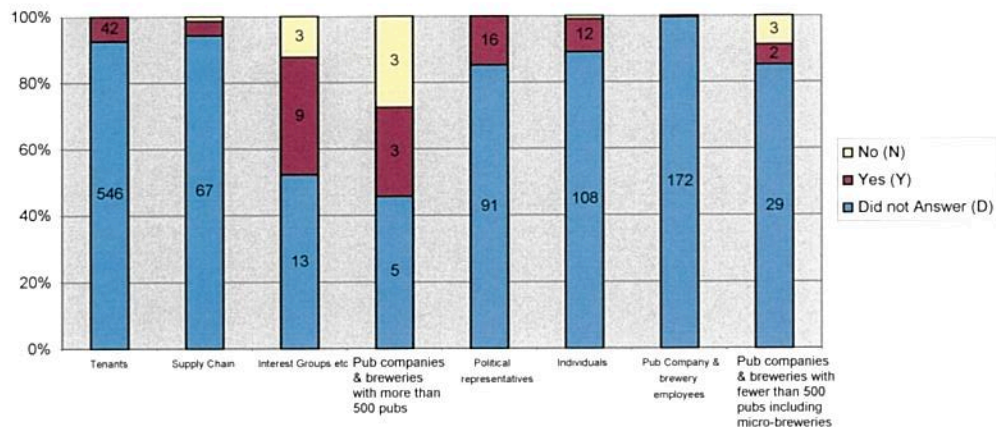
Q15(ii) Do you agree that the Adjudicator should be able to impose a range of sanctions on pub companies that have breached the code, including requirements to publish information ("name and shame")?



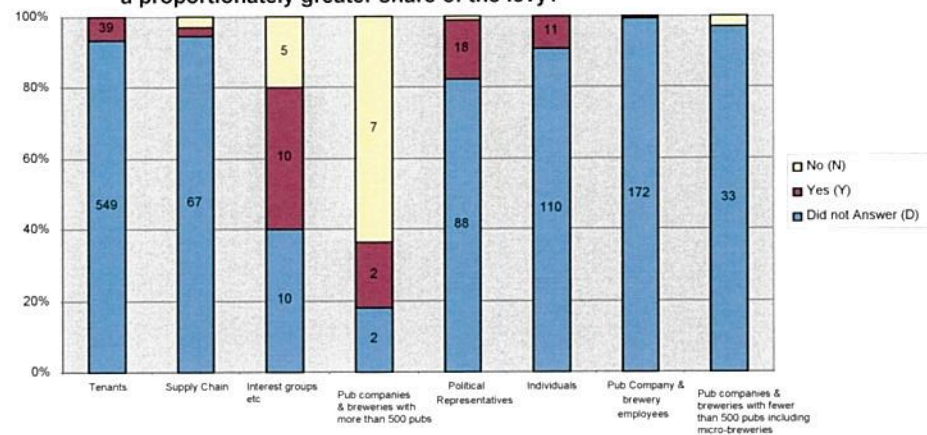
Q15 (iii) Do you agree that the Adjudicator should be able to impose a range of sanctions on pub companies that have breached the Code, including financial penalties?



Q16. Do you consider the Government's proposals for reporting and review of the Adjudicator are satisfactory?



Q17. Do you agree that the Adjudicator should be funded by an industry levy, with companies who breach the Code more paying a proportionately greater share of the levy?



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