



Department for Business, Innovation & Skills

Pub companies and tenants - A government consultation

Response form

The consultation will begin on 22/04/2013 and will run for 8 weeks, closing on 14/06/2013

When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation response form and, where applicable, how the views of members were assembled.

This response form can be returned to:

Pubs Consultation
Consumer and Competition Policy
Department for Business, Innovation and Skills
3rd Floor, Orchard 2
1 Victoria Street
Westminster
SW1H 0ET

Email: pubs.consultation@bis.gsi.gov.uk

Please tick one box from a list of options that best describes you as a respondent. This will enable views to be presented by group type.
Representative Organisation
Trade Union
Interest Group
Small to Medium Enterprise
Large Enterprise
Local Government
Central Government
Legal
Academic
Other (please describe): ✓ PUBLICAN

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

Consultation questions

Q1. Should there be a statutory Code? **YES**

Q2. Do you agree that the Code should be binding on all companies that own more than 500 pubs? If you think this is not the correct threshold, please suggest an alternative, with any supporting evidence. **ALL COMPANIES SHOULD BE IN.**

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? **YES**

Q4. How do you consider that franchises should be treated under the Code? **SAME**

Q5. What is your assessment of the likely costs and benefits of these proposals on pubs and the pubs sector? Please include supporting evidence. **IT WOULD GIVE MORE PROTECTION TO THE PEOPLE DOING THE HARD WORK**

Q6. What are your views on the future of self-regulation within the industry? **IT SHOULD BE DONE & NEEDS TO BE DONE TO STOP BULLYING**

Q7. Do you agree that the Code should be based on the following two core and overarching principles?

i. *Principle of Fair and Lawful Dealing* **YES**

ii. *Principle that the Tied Tenant Should be No Worse Off than the Free-of-tie Tenant* **YES**

Q8. Do you agree that the Government should include the following provisions in the Statutory Code?

i. *Provide the tenant the right 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.* **YES**

ii. *Increase transparency, in particular by requiring the pub company to produce parallel 'tied' and 'free-of-tie' rent assessments so that a tenant can ensure that they are no worse off.* **YES**

iii. *Abolish the gaming machine tie and mandate that no products other than drinks may be tied.* **NO**

iv. *Provide a 'guest beer' option in all tied pubs.* **NO, ONLY WAY TO GO IS FREE OF TIE.**

v. *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.* **YES**

Q9. Are there any areas where you consider the draft Statutory Code (at Annex A) should be altered? **THEY SHOULD ADVISE TRUE BARRELAGE FIGURES, BREWING'S ONLY SEEM TO WORK ONE WAY FOR THEM & THATS WHEN FINING LICENSEES.**

Q10. Do you agree that the Statutory Code should be periodically reviewed and, if appropriate amended, if there was evidence that showed that such amendments would deliver more effectively the two overarching principles? **YES.**

Q11. Should the Government include a mandatory free-of-tie option in the Statutory Code? YES, OTHERWISE THIS IS ALL FOR NOTHING; 24 PACK BUDWEISER FROM TESCO £16.99, ENTERPRISE £43.73 (FINE = THOUSANDS FOR BUYING TESCO)

Q12. Other than (a) a mandatory free-of-tie option or (b) mandating that higher beer prices must be compensated for by lower rents, do you have any other suggestions as to how the Government could ensure that tied tenants were no worse off than free-of-tie tenants? NO, EITHER IS ONLY WAY TO GO

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

Q14. Do you agree that the Adjudicator should be able to:

i. Arbitrate individual disputes? YES

ii. Carry out investigations into widespread breaches of the Code? YES.

Q15. Do you agree that the Adjudicator should be able to impose a range of sanctions on pub companies that have breached the Code, including:

I. Recommendations? YES

II. Requirements to publish information ('name and shame') YES

III. Financial penalties? YES.

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

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? What, in your view, would be the impact of the levy on pub companies, pub tenants, consumers and the overall industry? I THINK THAT IT IS ONLY

RIGHT THAT THOSE WHO BREACH THE CODE SHOULD PAY THE MOST, ITS BEEN THE OPPOSITE NOW FOR TOO LONG. THE PEOPLE OPERATING THESE PUBCO'S ARE ONLY DOING SO FOR THEIR SHAREHOLDERS, FOR WHICH IT SEEMS THE TOP PEOPLE AND DOWNWARDS IN THESE COMPANIES HAVE MANY THOUSANDS OF SHARES, SO THE MORE PROFIT FROM US THE MORE MONEY TO THEM.

I WOULD ALSO RENEW MY LEASE, BUT THAT IS ONLY BECAUSE

- ① IT IS MY MOM'S.
- ② £12,000 TO £13,000 INCOME BETWEEN 2 ADULTS IS BETTER THAN NONE
- ③ I WOULD NEVER GET MY £ DEPOSIT BACK FROM ENTERPRISE AS THEY WOULD FINE ME FOR DEGRADATIONS & THEN NEVER SPEND IT ON REPAIRS.
- ④ NO JOBS OUT THERE AND THESE PEOPLE KNOW THAT
- ⑤ RECENTLY ASKED ENTERPRISE IF THEY WOULD SELL BUS TO ME AS ONLY WAY I CAN SEE OF MAKING PROFIT IS TO RUNCOME'S F.O.T, I WAS TOLD YES EVERYTHING FOR SALE AT A PRICE. WHEN I ASKED WHAT THAT PRICE WAS I WAS TOLD 'WE DONT GIVE OUT THAT INFO, MAKE AN OFFER'. MORE SHIFTING AND SNIDEYNESSE BY THEM TO TRY AND GET TOP MONEY AS ALWAYS.

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