

RE: Pub Companies and Licensees

30 July 2015
16:37

Subject	RE: Pub Companies and Licensees
From	[redacted]
To	[redacted]
Sent	09 January 2013 09:33

Simon,

Thank you. It was good to see that some of your members have already welcomed the news.

On the question you raise, it's a good one. We weren't specifically making distinction between pub owning companies and pub companies; however the question of who exactly this new regime will apply to will need to be developed in the lead up to and during the consultation. As the letter indicates, Government's current position is that:

- It recognises that the tie can be used well and responsibly and also be exploited.
- It wants to stamp out abuses of the tie.
- It doesn't want to put a burden on those who have been acting responsibly, such as all/most of the family brewers.

And of course, it doesn't want to do something that can be gamed.

How we do that, i.e. what threshold we choose (500, 100, etc.), whether we make a distinction between leases and tenancies (as V6 of the Code does), are all things we need to properly work through.

Regards,

[redacted]

[redacted]

+ **From:** [redacted]

Sent: 08 January 2013 15:16

To: [redacted]

Subject: Re: Pub Companies and Licensees

[redacted]

This is good news and definately something I think IPC will consider to be a big step in the right direction.

One immediate thought on reading the letter.

Did you mean to isolate pub companies from pub 'owning' companies and leases from 'tied agreements' ?

My point being we believe those abusing the tied model are well capable of circumventing attempts to reform it where they can seek their own interpretation. Some brewers currently use the pubco tied model and some pubcos are already seeking to convert agreements into tenancies to overcome the scrutiny on leases. what is to stop a pubco buying a small brewer and side stepping the stat code ?

Simon

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

From: [redacted]

To: [redacted]

Sent: Tue, 8 Jan 2013 14:51

Subject: Pub Companies and Licensees

Dear All,

Please note, for your information, a letter that has just been sent by Secretary of State Vince Cable to the BIS Select Committee, as well as our departmental press release.

<<Vince Cable to Adrian Bailey MP [Pub Companies and Licensees] pb0801.pdf>>

<https://www.gov.uk/government/news/press-release-new-proposals-to-stand-up-for-british-pubs-and-prevent-unfair-practices>

Regards,

[redacted]

The Business in You campaign highlights support for start-ups and growing businesses, and encourages entrepreneurial spirit. For more information search online for "business in you".

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RE: Government plans statutory action on pubcos

30 July 2015
16:38

Subject	RE: Government plans statutory action on pubcos
From	[redacted]
To	'Kate Nicholls'
Cc	'ALMR ([redacted])'
Sent	09 January 2013 09:41

Dear Kate,

Happy New Year to you, also, and I hope you are also well! I suspect the busyness will continue.

The Government's current position is that we intend the Code to include the core principle that 'a tied licensee be no worse off than a free of tie licensee', but not to mandate a free of tie option. However, Ministers recognise that there is a range of views on this subject and so it is very likely we will be explicitly asking the question about 'free of tie' in that consultation and, therefore, would prefer not to completely prejudge the question.

I know they will want to hear your views, as it is good to show there are different views on that issue amongst licensees.

Happy to discuss if desired.

Regards,

[redacted]

[redacted]

From: Kate Nicholls [redacted]
Sent: 08 January 2013 16:47
To: [redacted]
Cc: 'ALMR [redacted]'
Subject: FW: Government plans statutory action on pubcos

[redacted]

Happy New Year to you and I hope that you are well – if busy!

I just wondered whether you could clear up one point for me about today's announcement. The initial press release (below) that we received refers in editor's note 7 to the new Code not mandating a Free of Tie Option – which we believe to be more pragmatic - but the online version posted on Gov.uk appears to have this sub para removed.
<https://www.gov.uk/government/news/press-release-new-proposals-to-stand-up-for-british-pubs-and-prevent-unfair-practices>

Am sure you will appreciate that this is the source of much debate – both by those pro and anti – with some suggesting that this now means that a Free of Tie Option will form part of the consultation. Could you clarify whether there is a change in approach between the two or whether there is a reason for the omission.

Kind regards
Kate

Kate Nicholls
Strategic Affairs Director

Association of Licensed Multiple Retailers
[redacted]

Registered office as above. Registered in England No: 3964186

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[redacted]

Pubs Meeting

30 July 2015

16:39

Subject	Pubs Meeting
From	[redacted]
To	'siclarkere[redacted]'; 'Jonathan Mail'; 'Kate Nicholls'; 'Dave Mountford'; 'Inez Ward'; [redacted] 'nick.griffin[redacted]'; [redacted]
Cc	[redacted]
Sent	11 January 2013 12:00

Dear All,

Following the announcement and debate on pubs this week, the Minister (Jo Swinson) would like to hold a round table with licensee groups to discuss the forthcoming consultation on a pub code and adjudicator.

Key questions that the Minister would like to explore include:

Should the Code include a mandatory free of tie option?

Other than the two overarching principles already announced, are there any other particular elements that should be addressed in the Code (taking V6 as the starting point)?

Who should the new regime apply to? (All companies with over 100/200/500 pubs/tied pubs/tied leases)?

She would also of course be very happy to hear any other points you wish to make.

I recognise that not all of you will have exactly the same views on these issues - some of you are members of the IPC, others are not, and even within the IPC there are differences of view. That is why the Minister would like a round table format, in which each representative can give the views of their organisation, in order to draw out where there is agreement and where there are differences of opinion. The meeting will start from the position that the principles of fairness and that a tied licensee should be no worse off than a free of tie licensee are 'common ground', but explore how to achieve this.

Once a number of you have confirmed that you would like to attend this round table, I will ask the Minister's diary secretary to arrange a time. I hope to hear from you soon.

Regards,

[redacted]

[redacted]

Officials meeting next week?

30 July 2015

16:39

Subject	Officials meeting next week?
From	[redacted]
To	'Kate Nicholls'
Cc	'ALMR'; [redacted]
Sent	11 January 2013 12:15

Dear Kate,

Further to my email to a range of licensee groups, I'd be very grateful if you could come in for a meeting with me and other officials working on this issue, perhaps towards the tail-end of next week or early the following. It would be very good to hear your views on all of this.

Regards,

[redacted]

[redacted]

FW: Code and Consultation discussion

30 July 2015

16:40

From: [redacted]
Sent: 13 February 2013 11:19
To: 'Peter Thomas'; Brigid Simmonds; Siclarke; Kate Nicholls
Cc: [redacted]
Subject: RE: Code and Consultation discussion

All,

Thank you for responding to me so quickly. It wasn't possible to get a date that everyone could make so I have gone for the majority, which was Tuesday 5th, 5pm-6pm. Looking forward to seeing you then.

Peter - many apologies that you can't make it.

Regards,

[redacted]

[redacted]

From: Peter Thomas [redacted]
Sent: 12 February 2013 17:29
To: [redacted]; Brigid Simmonds; Siclarke; Kate Nicholls
Cc: [redacted]
Subject: RE: Code and Consultation discussion

[redacted] ,

Many thanks for your note.

I have an urgent dental appointment earlier that week that I cannot change so only the Thursday would work for me

Time & venue no problem

Regards

Peter

From: [redacted]
Sent: 12 February 2013 11:22
To: Brigid Simmonds; Siclarke; Kate Nicholls; Peter Thomas
Cc: [redacted]
Subject: Code and Consultation discussion

Dear Brigid/Simon/Kate/Peter,

Would the four of you be able to come for a meeting on w/c 4th March to discuss a late draft of the proposed statutory code and consultation questions? The purpose of the meeting would not be to help provide some quality assurance that (a) the draft statutory code makes sense and (b) the questions being asked are the right ones, are framed in a way that makes sense and that will result in informative answers. This is not trying to reach agreement on the policy or the answers to those questions - I recognise that your organisations will have very different views on many of these issues - but simply recognising that it is no-one's interest if Government asks questions that don't make sense. I have asked the four of you as individuals with significant experience in the

industry who also represent a cross-section of the different stakeholders on this issue. As this is simply a quality assurance session, not a policy consultation or discussion, I'd prefer not to make it any wider simply for ease of handling the meeting.

Unfortunately, as I am on a training course that week, the meeting would have to be at 5pm-6pm, at BIS, on either Monday, Tuesday or Thursday. Will that be possible?

With thanks in advance for your support.

Regards,

[redacted]

[redacted]

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FW: Pub Industry Statutory Code of Practice

11 August 2015

09:52

Subject	FW: Pub Industry Statutory Code of Practice
From	BIS Central Drafting Unit
To	BIS Central Drafting Unit
Sent	11 April 2013 10:10

[redacted]

From: CABLE, Vincent [<mailto:vincent.cable.mp@parliament.uk>]

Sent: 09 April 2013 09:28

To: Cable MPST Correspondence

Subject: FW: Pub Industry Statutory Code of Practice

From: steve corbett [redacted]

Sent: 08 April 2013 23:47

To: CABLE, Vincent

Subject: Fw: Pub Industry Statutory Code of Practice

Dear Mr Cable

I'm very much concerned about the article that appeared in yesterdays Mail on Sunday and as a result, I have sent the email below to George Osborne.

The pub sector is still in a mess, even with the threat of intervention, with tied publicans up and down the country hanging on for dear life in the hope that this Government will help ease their pain and stop pubco abuse. Thousands upon thousands of lives have been destroyed by the greedy pubcos and although we can't change that, a statutory code that contains a free of tie option can effect change that will benefit publicans, consumers and brewers alike. The removal of an abusive cartel from the sector will undoubtedly allow brewers, publicans and consumers to get back to doing what they do best - brewing, selling and drinking beer rather than paying off the ill-advised borrowings of badly run property companies.

Best Regards

Steve Corbett

[redacted]

[redacted]

----- Forwarded Message -----

From: steve corbett [redacted]

"george.osborne.mp@parliament.uk" <george.osborne.mp@parliament.uk>

Cc: "public.enquiries@hmtreasury.gsi.gov.uk" <public.enquiries@hmtreasury.gsi.gov.uk>

Sent: Monday, 8 April 2013, 23:09

Subject: Pub Industry Statutory Code of Practice

Dear Mr Osborne

I've been in the licensed trade for almost 30 years. I have successfully operated numerous restaurant, bar and pub groups. I'm a founder member of the Fair Pint Campaign and a current steering group member of the Independent Pub Confederation (IPC).

Along with many others, I was shocked to read in the Mail on Sunday that you may be looking to block plans to introduce a pub industry statutory code of practice.

In recent years pub businesses have been failing in unprecedented numbers. Much of the damage being caused to publicans, and the cause of so many of these pub failures, is the abuse of the beer tie and rental valuation systems [redacted]
Higher taxes may not help but they aren't closing pubs.

[redacted]

The statutory code was set to level the playing field between tied and non-tied tenants and breathe life back into a sector that has been virtually destroyed by the greed of a few. Vince Cable's much needed solution, originally put forward by Peter Luff, was all about preserving jobs, livelihoods and community assets. It was about looking for a fair deal for small businesses in a sector that has become dominated by a small number of property companies and large regional brewers. Whilst we are all looking for a statutory code to ease the pressure for tied publicans, we are still losing hundreds of millions of pounds each year to pub companies in order to support the unsustainable debts they took on in the first place. Much of this money, so needed for investment in the sector, is simply paid away offshore to bondholders. This simply can't be right.

The sector is at a crossroads and a statutory code, with the correct content, will put the industry back on the road to recovery. It will create necessary change and promote a way forward that offers greater protection for existing publicans and newcomers to the industry such that they do not suffer the extraordinary level of exploitation that has been seen in so many cases up and down the country. We have had four select committee inquiries all screaming for change yet the abuse levelled at tied publicans still goes on today. It seems that Vince Cable, Jo Swinson and other like minded MP's who care about pubs and publicans are keen to see change that will loosen the grip of the property companies that care very little indeed about the future of the cultural icon that is the Great British Pub.

A statutory code of practice that enshrines in law the principle that the tied tenant should be no worse off than if they were free of tie is the only supportable position. I hope you will agree.

Yours Sincerely

Stephen Corbett

[redacted]

[redacted]

Letter from FLVA April 2013

30 July 2015

16:47

FLVA

PUBLICAN'S PARTNER

The Secretary of State for Business Innovation and Skills
The Rt. Hon. Dr Vince Cable MP
The Department for Business Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET

The Raylor Centre

James Street
York
YO10 3DW
Tel 01904 415469
Fax 01904 413229
Email admin@flva.co.uk
www.flva.co.uk

12th April 2013

Dear Secretary of State,

We write to express our concern at the delay in progressing Governance arrangements for the Pub Industry. Given the intervention from the Chancellor we have written in identical terms to him. Governance arrangements reached a crossroads, when self Governance discussions collapsed, which forked towards a welcome Government led solution. However since that time the process seems to be going around on an endless roundabout.

We sense increasing activity, lobbying and ongoing pressure from the Pub Co's, BBPA and the Beerage and we do not possess the financial resources these bodies have to communicate the position of the individual Licensee. It is for this reason we seek a meeting at Ministerial level to re balance the process and be afforded the same courtesy recently extended to these bodies.

The current perception fostered by these bodies is one of an Industry which does not wish to see more COP and Governance red tape. This is a red herring tailored to distract a Government that quite rightly wishes to see this minimised. This false picture together with the wish for individual Companies to effectively write their own COP's as a means to incorporate so called competitive advantages completes a picture these bodies wish to paint.

Our view of the Code of Practice is simple, to secure a single comprehensive Universal Code for all Pub operating entities irrespective of size of Estate. In terms of red tape this is infinitely less complex than the cats cradle of a framework Code followed by scores of individual Company Codes. The recent Grocery Code is a Universal Code and operates for all, there isn't a separate Tesco, Asda and Sainsburys Code. Should Pub Co really wish for the bureaucracy of a separate Code this should only be on the basis of how they will administer the Universal Industry Code ; not allow them to write their own Codes as is presently proposed.

In essence the Enterprise Code should match the Fullers Code the Shepherd Neame Code should match the Punch Code, one Code for all .Contrast this with the current situation where individual Codes can place individual content, interpretation emphasis and tone within their own Company Codes.

Additionally and importantly in relation to the "500 debate" we caution against taking a view that big company is bad and small Company is good and view with deep suspicion any Company which seeks to operate outside this one Code approach.

The Industry has operated on a Universal COP basis previously and should do so again, underpinned this time by statutory authority and protection. This is surely what the Government have in mind.

We have refused to sign the latest BBPA Code and rather than being railroaded into accepting the BBPA issued Code we have written to the BBPA offering to jointly pull together this Universal Industry Code and we await their reply.

If the Beer Orders of 1991 begat the Pub Co's as an unintended consequence, we shudder to think how newly created sub 500 Pub Co's would evolve and operate, particularly in the knowledge that both Punch and Enterprise are likely to divest a significant portion of their Estate over the next few years. Should this be combined with a clumsy interpretation of the FOT issue these new entities, probably private equity driven could make the Pub Co's look like John Lewis. Again this could bring about another set of unintended consequences.

As an overriding principle the FLVA support the Beer tie albeit in a reformed format and view the assembled aggregated Beer discounts as vital to the Pub Co's and invaluable to a potential new Business partnership Governance arrangements could bring about. In summary our current position is as follows.

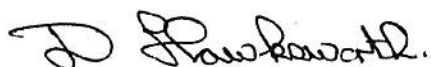
- A Universal COP for the whole Pub Industry "one code for all".
- Oversight from a Government appointed Adjudicator
- The completion of Governance body commitments made to Government particularly PAS. PAS is vital to ensure an independent advice and support conduit for Licensees to help them in accessing the Governance mechanisms and bodies to assist in the resolution of the problems BIS has so clearly identified.
- The assembly of an Industry Governance body on a "one body one vote basis".
- Support for the Beer Tie in a reformed format.

It is only when all these items are incorporated that a authentic and credible settlement which rebalances the inherent and BIS recognised imbalances can be assembled.

As a final note we were encouraged and pleasantly surprised by the Chancellors approach to the Beer escalator, having failed to persuade the Pub Co's to desist from their own escalators in the form of their destructive practice of "phantom annual price increases". These practices where so called Brewery price increases are passed on to tied tenants by Pub Co's which do not pay these increases themselves is one of the root causes of the difficulties plaguing the individual Licensee. We continue to press for Licensee price increases that only impact on the Pub Co in the same cash quantum as those paid by the Pub Co's to their Brewery suppliers. This would seem to represent a clear overdue reform of Beer tie abuses in pursuit of fairer Beer Tie practices.

We look forward to hearing from you.


Yours Sincerely



David Hawksworth
President
Federation of Licensed Victuallers Associations

FW: BIS Quote

30 July 2015
14:30

Subject	FW: BIS Quote
From	[redacted]
To	[redacted]
Sent	29 April 2013 08:52
Attachments	 BII press st...

[attachment withheld - already published]

From: [redacted]

Sent: 26 April 2013 16:53

To: [redacted]

Subject: RE: BIS Quote

Dear [redacted],

Please find attached the press statement that we are to make available to the MA on Monday morning, we think it adequately reflects what both the BII and BIS are trying to achieve whilst supporting the ongoing consultation.

Kind regards

[redacted]

BII

[redacted]

From: [redacted]

Sent: 26 April 2013 13:09

To: I

Cc: [redacted]

Subject: RE: BIS Quote

Dear :

Much appreciated and thank you for letting us know about this in advance and your cooperation.

Regards,

[redacted]

[redacted]

From: [redacted]

Sent: 26 April 2013 12:07

To: [redacted]

Subject: RE: BIS Quote

[redacted],

Thank you for your emails providing the quote and the statistics, I cannot foresee any issues with the inclusion of the quote in our press statement as we are in no way challenging the 500 pub threshold, rather just clarifying the misinterpretation.

The press statement will be released on Monday morning, unfortunately, at this time I am unaware of the timing but I promise to confirm this once I am aware.

Kind regards

[redacted]

BII

[redacted]

From: [redacted]

Sent: 26 April 2013 11:49

To:

Subject: BIS Quote

Dear

Thank you for your conversation earlier and willingness to include a BIS quote in your press release. We'd like to submit the following:

A BIS spokesperson said:

"We acknowledge that the figure in the pubs consultation should have more accurately referred to 'calls' rather than 'complaints'. We will correct this in the consultation and in future documents.

"Nevertheless, the data still shows that tenants from larger companies were significantly more likely to contact a helpline than tenants of smaller companies or those who ran free houses. As such the initial proposals - that a threshold of 500 pubs would capture the majority of the problem - remains appropriate. We are of course open to further evidence and feedback on what would be an appropriate threshold."

Please let me know if this is likely to cause any problems.

[redacted]

[redacted]




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FW: request for meeting

04 August 2015

14:49

Subject	FW: request for meeting
Attachments	 response t...  response t...  response t...

From: Martin Caffrey [redacted]

Sent: 10 May 2013 13:08

To: [redacted]

Subject: request for meeting

[redacted],

Please find attached a copy letter sent to Ms Jo Swinson, Minister for Employment Relations and Consumer Affairs, with a copy to The Right Honourable Dr Vince Cable.

This is in response to her letter to ourselves, also attached, in which she suggest that we make contact with you.

We look forward to hearing from you

Martin Caffrey

Martin Caffrey

Operations Director

Federation of Licensed Victuallers Associations

[redacted]

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FLVA

PUBLICAN'S PARTNER

Ms Jo Swinson
Minister for Employment Relations and Consumer Affairs
Department for Business Innovation and Skills
1 Victoria Street
London
SW1H 0ET

9TH May 2013

The Raylor Centre

**James Street
York
YO10 3DW**

Tel 01904 415469
Fax 01904 413229
Email admin@flva.co.uk
www.flva.co.uk

Dear Ms Swinson,

We are in receipt of your letter dated 30th April replying on behalf of the Secretary of State and by copy of this letter would ask Jane Hartshorne to contact us with available dates as you suggest.

However we still wish to have a meeting at Ministerial level as an equivalent courtesy to that afforded to the Corporate lobby and would again request such a meeting.

Our access to Government to communicate the individual Licensees viewpoint has been limited with the whole process feeling somewhat perfunctory.

These conclusions are drawn from both the Consultation document and the impact statement both of which include assumptions we fundamentally disagree with. We sense the thread of Corporate lobbying within these documents together with input from a few prominent individuals.

ALMR have made representations on behalf of large Multiple Companies many FTSE listed and the British Institute of Innkeeping can only make Education points as their membership consists of both Licensees and Senior Pub Co executives.

It would be a grave error for Government to regard BII input as representative of Licensee interests, Licensees including many of our members join the BII solely for the Educational input.

The whole study into the Pub Co Tenant relationship is principally centred on the individual Licensee who we represent and it is for them we reiterate our request for a meeting at Ministerial level.

I look forward to your reply

Yours Sincerely



**David Hawksworth
President
Federation of Licensed Victuallers Associations**

CC The Right Hon Dr Vince Cable
Consumer and markets team BIS

Posted 2/5



Department
for Business
Innovation & Skills

1 Victoria Street
London
SW1H 0ET

David Hawksworth
President
Federation of Licensed Victuallers Associations
The Raylor Centre
James Street
York YO10 3DW

+44 (0) 20 7215 5000
enquiries@bis.gov.uk

www.bis.gov.uk
Our ref: 332885

Your ref:

30 April 2013

Dear David,

Thank you for your letter of 12 April to Vince Cable about the issues affecting the pubs industry and your views on how they might be addressed. I am replying as this matter falls within my portfolio.

I am aware of the concerns surrounding the pubs industry, including the issues that you raised, and I can assure you the Government is taking this matter very seriously.

You will know that on 22 April the Secretary of State launched a public consultation on establishing a Statutory Code of Practice and an independent Adjudicator to govern the relationship between pub companies and their tenants. At the heart of the proposed Code is both an overarching fair dealing provision and the core principle that 'a tied tenant should be no worse off than a free-of-tie tenant', enshrined in statute. The proposed Adjudicator would have the powers to arbitrate individual disputes, conduct investigations into systematic violations of the Code, and impose sanctions if pub companies are found to be in breach. The consultation also discusses the question of the beer tie, including how it can be operated fairly and whether a mandatory free of tie option would be a proportionate response.

I welcomed the participation of the FLVA in the round table for licensee groups that I hosted in January. I understand that you also met officials in mid-February during the pre-consultation phase and I know that they found the FLVA's contribution to the debate useful in helping to draft the consultation document and the draft Code.

I would encourage you and your members to respond to the consultation, which can be found online at: www.gov.uk/government/consultations/pub-companies-and-tenants-consultation. In addition, there is a short online questionnaire which is intended to be an easy way for individuals to express their views and this can be found at: www.surveymonkey.com/s/MFMYT2P. The closing date for responses is 14 June.

If you wish to discuss the consultation further, I would encourage you to meet my officials in the first instance. Please contact [redacted] in the Consumers and Markets Team at BIS. She can be contacted via email, or telephone



JO SWINSON

14 May 2013 Nick Clegg to Vince Cable - FLVA Meeting

11 August 2015

09:45

MIN BEPBLE - FLVA MEETING REQUEST - ON 14.
ASSIGN TO (CCP)

SOS
Summer
ccp sl
Advice / Dr



**The Rt. Hon. Nick Clegg M.P.
Sheffield Hallam**

85 Nethergreen Road, Sheffield S11 7EH
Tel: 0114 2309002 Fax: 0114 2309614
Email: nickclegg@sheffieldhallam.org.uk



Dr Vince Cable MP
Secretary of State
Department for Business, Innovation & Skills
1 Victoria Street
LONDON
SW1H 0ET

14 May 2013

Will085/7

Dear Vince

I have been contacted by my constituent, Mr Nigel Williams, landlord of the Ranmoor Inn, Sheffield. I have written to you previously on behalf of Mr Williams and I have been grateful for your responses.

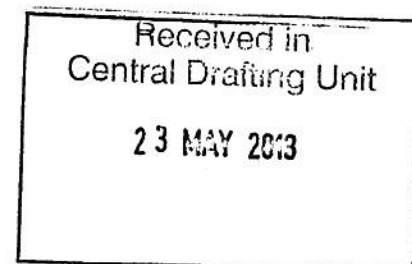
Mr Williams who was the President of the Federation of Licensed Victuallers Associations (FLVA), has provided me with a copy of a letter from the current President of the FLVA, David Hawksworth. I enclose this for your convenience.

My constituent has asked me to contact you and put forward his request for you to meet with the FLVA at the earliest possible opportunity.

I would be grateful if you could consider this request and also if you could copy me into your eventual response to Mr Hawksworth.

Please note, I am writing in my capacity as a constituency MP to bring these issues to your attention. Please reply to the constituency office at the address above.

Yours sincerely



Nick Clegg MP

PLEASE ADDRESS CORRESPONDENCE TO THE CONSTITUENCY OFFICE

Whilst Nick Clegg MP will treat as confidential any personal information which you pass on, he will normally allow staff and authorised volunteers to see it if this is needed to help and advise you. The MP may pass on all or some of this information to agencies such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Nick Clegg MP may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let him know if you do not wish to be contacted for this purpose.

FLVA

PUBLICAN'S PARTNER

The Secretary of State for Business Innovation and Skills
The Rt. Hon. Dr Vince Cable MP
The Department for Business Innovation and Skills
1 Victoria Street
LONDON
SW1H 0ET

The Raylor Centre

James Street
York
YO10 3DW
Tel 01904 415469
Fax 01904 413229
Email admin@flva.co.uk
www.flva.co.uk

1st May 2013

Dear Secretary of State,

We wrote at some length on 12th April expressing our concern about intensive lobbying from Pub Co's, the BBPA and the Beerage which included access to the Chancellor in an effort to secure a meeting to balance the message being communicated by the Corporate lobby. Since that time the Consultation process has recommenced but we would request an early meeting with yourself, your Ministerial colleagues and your staff.

As a Licensee representative body we have had little opportunity to make representations on behalf of individual Licensees and although it must be confusing for Government to identify a genuine Licensee voice in the clamour of bodies and individuals jostling for this role, only the FLVA and the Guild of Master Victuallers (GOMV) are properly constituted Licensee representative bodies. By way of clarification the BII are not as referenced in the consultation document The British Institute of Innkeepers; they are the British Institute of Innkeeping, that is the Industry Education and Training body. an important distinction in giving weight to points made in lobby and submissions. The BII submission as they have confirmed to ourselves will centre on Education and Training within all sectors of the Industry. Specific Licensee concerns have been and will be presented by ourselves being drawn from specifics arising from our handling of over 2500 calls for help from Licensees over the last 4 years and our 21 years of operation as a representative Licensees body.

During 2012 in addition to helping with over 600 enquiries, we acted on behalf of 42 of our Licensee members and secured through negotiations with Pub Co's benefit of over £1.15m in Rent alleviation and increased Beer discounts.

We remain concerned about key elements within the Consultation document and wish to discuss those outside of the constraints of the Consultation document. In addition we have read the Impact Statement and whereas we have differences in emphasis the analysis has flushed out the major issues. However in relation to the premise that Pub Co's have not passed on Brewers Beer price rises in the same cash quantum and that charged by their supplier Brewers (point22),this is plain wrong. The position is the converse of what you contend and is one of the principle abuses the Consultation process needs to address.This point was made within our initial BIS submission and genuine tangible benefit for Licensees can de delivered if Pub Co's only "pass on price increases to Licensees in the same cash quantum and that paid to their Brewer suppliers". This one point will do much to rebalance the Pub Co/Licensee relationship and enforced by an Adjudicator will provide an ongoing benefit to Tied Licensees. At the time of the BIS Select Committee hearings from which we

Were excluded and to date, we feel Government had been lobbied into accepting a false picture of Licensee representation, which was a loss both for individual Licensees and Government. We would like to offer our unique Industry insight over a series of issues we feel will supplement your own analysis to assist Government to fashion a realistic, practical and equitable means of reaching a settlement

I look forward to your reply and the prospect of an early meeting.

Yours sincerely

David Hawksworth.

A handwritten signature in black ink that reads "D Hawksworth". The signature is written in a cursive style with a large initial "D".

David Hawksworth
President
Federation of Licensed Victuallers Associations