

[Redacted]

Subject: Pubs code and Pubs Code Adjudicator:Statutory Review

Part A

1.The Pubs Code has not really represented the publican verses the Pubco regarding the recent legislation which states the option of freedom tie to buy on the open market and a realistic fair rental should be the given right of every publican.

The Pubcos are doing everything they can to prevent this FOT option to happen and the Pub code with only one Adjudicator has no chance of fairly representing the individual pub tenant against the enormity of a Pubco.

2The 'Fair and Lawful" dealing is in no way in evidence. Obviously the Pubco has to be lawful but what is "fair" for both parties is entirely subjective.

It is entirely in the Pubcos interest not to give their tenants a FOT option, and they have deliberately composed the most deliberate difficult procedures that must be adhered to to establish the FOT option which although barely lawful are definitely not fair.

3The Pubcos are imposing through their Deed of Variation, a series of extra charges imposed upon your lease prior to a MRO option to be successful.

In my case at [Redacted] these are:-

An additional deposit required.

RPI added to the rental payments

Rent paid quarterly in advance

Professional fees, Lawyers, Surveyors,Professional Help in dealing with their legal department etc.

The above are all substantial costs which will make the tenant worse off.

4Sufficient Manpower to speed the process as in the past everything has been very slow.Also the appointed Adjudicators should have no interest in the Pubco/Tenant parties involved.A shareholder of a Pubco is by no means an independent adjudicator.

Part B

a Yes but far too slow, I believe there are now two people employed in this capacity.

b I think the PCA has exercised its powers satisfactory to both parties concerned, I don't think anything has been done particularly well or could have been done differently.

cThe findings and results of individual cases should be made more public and detailed in the Trade Newspapers to make all tenants aware of the results achieved.

6No

7 No comment

Part D

The legislation proposed by Parliament was made to assist publicans on running their business more effectively, in reality the Pubcos are now doing everything in their power not to abide by this legislation, and are deliberately intimidating their tenants by every means possible not to take the FOT option.

I personally know several BDMs previously working for the Pubco that have resigned rather than adopt the dirty tactics they are instructed to use.

Part E

9 As in the Beer Orders which gave birth to the Pubcos the intent of the legislation initially proposed to give the tenant a better deal has been deliberately misunderstood by the Pubcos to enhance unfairly their profit entitlement at the expense of their struggling tenant.