



Pubs Code and Pubs Code Adjudicator: statutory review

Response form

The consultation is available at: www.gov.uk/government/consultations/pubs-code-and-pubs-code-adjudicator-statutory-review

The closing date for responses is 22 July 2019.

Please return completed forms to:

Pubs Code Review Team
Department for Business, Energy and Industrial Strategy
1st Floor, Orchard 3, 1 Victoria Street, London SW1H 0ET

Email: PCAreview@beis.gov.uk

Personal / Confidential information

Please be aware that we intend to publish all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: [Click here to enter text.](#)

About You

[Redacted]

	Respondent type
<input type="checkbox"/>	Tied pub tenants
<input type="checkbox"/>	Non-tied tenants (please indicate, if you have previously been a tied tenant and when)
<input type="checkbox"/>	Pub-owning businesses with 500 or more tied pubs in England and Wales
<input type="checkbox"/>	Other pub owning businesses (please describe, including number of tied pubs in England and Wales)
<input type="checkbox"/>	Tenant representative group
<input type="checkbox"/>	Trade associations
<input type="checkbox"/>	Consumer group
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Consultant/adviser
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Surveyors
<input type="checkbox"/>	Other (please describe)

Questions

Part A: The Pubs Code

Question 1

How well do you think the Pubs Code has operated between 21 July 2016 and 31 March 2019? What evidence do you have to support your view?

Comments:

Considering all the pubs who are tied if given the choice would immediately prefer a free of tie option at the same rent or a fair market rent...I don't know the numbers [Redacted] I believe have [Redacted] pubs...and the number of pubs that have achieved this feat probably 20 or so through your system? I think the answer speaks for itself... pathetic is the answer

Question 2

To what extent do you think the Pubs Code is consistent with the principle of fair and lawful dealing by pub-owning businesses in relation to their tied pub tenants? What evidence do you have to support your view?

Comments: Fair and lawful? Its all heavily weighted on the pubs co side...they have top lawyers on their side..they employ intimidation tactics to put you off....basically if you want to consider taking them on and go for a free of tie you are looking at £20000 plus in costs.....even mentioning it to your BDM results in an inspection by their property manager getting ready to serve you with a £30,000 dilapidations bill...basically will need to be completed if going for a free of tie.....the figures they suggest for market rent are ludicrous ...triple your current rent in my case.....my lease is running out only 2 years left and they have let me know they wont extend it...they want me out because they want to get a tenant in there who will play ball and is inline with their new scheme of [Redacted]...they blocked a sale I had on my lease as they wouldn't allow a free of tie option at a sensible rent...

Fair is not a word that should be used....one sided is more accurate...

Question 3

To what extent do you think the Pubs Code is consistent with the principle that tied pub tenants should not be worse off than they would be if they were not subject to any product or service tie. What evidence do you have to support your view?

Comments: as mentioned the cost is ridiculous..dirty tactics include delapidations..mine were £[Redacted], extra deposit £[Redacted], [Redacted] months rent in advance, £[Redacted], surveys, £[Redacted], layers £[Redacted]

Why do you think hardly any pubs are not going through with this? Its not rocket science

Question 4

What, if anything, do you think needs to change to make the Pubs Code operate more effectively and/or better support the principles?

You need to have a team of 50 working on the pubs code ..instead of just one [Redacted]

Get 3 independent market rent evaluations done on each pub..and go with the average...regardless of turnover, current barreledge etc. as the law was suppose to to

These surveys should be split cost by pub owner and pubco

No additional cost to pub owner...whole process could take a month

again not rocket science

Comments: [Click here to enter text.](#)

Part B: The Pubs Code Adjudicator

Question 5

How effective do you think the Pubs Code Adjudicator has been between 2 May 2016 to 31 March 2019 in enforcing the Pubs Code?

Please comment in particular on:

a) Whether the PCA has sufficient and proper powers to enforce the Code effectively.

Comments: [Click here to enter text.](#)

b) How effective the PCA has been in exercising his powers. What has been done well and what do you think could be done differently.

Comments: [Click here to enter text.](#)

c) How effective the PCA has been in enforcing the Code. In particular, how effective has the PCA been in undertaking the following:

- ☐ **giving advice and guidance;**
- ☐ **investigating non-compliance with the Code;**
- ☐ **where non-compliance is found, requiring publication of information, imposing financial penalties or making enforceable recommendations; and**
- ☐ **arbitrating disputes under the Code.**

Comments: [Click here to enter text.](#)

Question 6

Do you think the regulations relating to costs, fees and financial penalties should be amended? If so, how and why?

Comments: [Click here to enter text.](#)

Part C: Pubs Code Regulations

Question 7

There are two sets of regulations that relate to the Pubs Code: The Pubs Code etc Regulations 2016¹ and the Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016².

You may have commented on some of these provisions in response to questions in parts A and B of this consultation³, but please provide any additional views on the regulations. If you think changes are needed to the regulations, please explain why and how you think they should be changed.

Comments: [Click here to enter text.](#)

¹ <https://www.legislation.gov.uk/uksi/2016/790/contents/made>

² <https://www.legislation.gov.uk/uksi/2016/802/contents/made>

³ Some elements of the Regulations are covered by review provisions in the SBEE Act 2015, for example, Parts 2 to 10 of the Pubs Code etc Regulations 2016 make up the Pubs Code and must be reviewed under s.46 review provision in the SBEE Act. The review of the Adjudicator set out in s.65 of the SBEE Act states that the review may consider whether it would be desirable to amend regulations about costs, fees and financial penalties.

Part D: Impact Assessment and other information

Question 8

The review will consider the key assumptions made in the Impact Assessments⁴ which were published alongside the legislation and regulations. This will include wider impacts, non-monetised impacts or unintended consequences of the changes made. Specifically, we plan to consider any related impact on:

- costs to businesses and potential pub closures;
- redistribution of income from pub companies to tenants;
- changes in industry structure or ownership status; and
- wider industry trends such as employment and investment.

We welcome any evidence to support the analysis of these areas, or if there are any other elements of the Impact Assessments you think we should consider revisiting as part of this review.

Comments: [Click here to enter text.](#)

⁴ <https://www.parliament.uk/documents/impact-assessments/IA15-002.pdf>
<https://www.legislation.gov.uk/ukdsi/2016/9780111146330/impacts>
<https://www.legislation.gov.uk/ukdsi/2016/9780111146323/impacts>

Part E: Other comments

Question 9

Please add any points that you feel you have not been able to make in response to the earlier questions.

Comments: [Click here to enter text.](#)

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

[Click here to enter text.](#)