



## **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](http://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  
1<sup>st</sup> Floor, Orchard 3, 1 Victoria Street, London SW1H 0ET

Email: [PCAreview@beis.gov.uk](mailto: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]

|                                     | <b>Respondent type</b>  |
|-------------------------------------|---|
| <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 checked="" type="checkbox"/> | Other (please describe) [Redacted]  |

## 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: Almost and sadly non - existent. As former publicans of an [Redacted] site we were, the majority of our term bullied and harassed to a level of having no choice but to leave having invested our time, monies and sweat in the end having to sell the family home and leave London having 50 years resided. Our evidence stands on our losses, witnessed by customers, staff and the ability to stand here today to explain all in the court of law.

#### 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: The Pubs Code to our experience has been completely inconsistent in relation to being a tied tenant. Since the code's placement, we had experienced nothing but game play through Directors and so called Business Development Managers', with a view to getting us out and said by the so called managers and certain Credit Controllers engineering their ploy. Evidence being by word "yes we want you out", setting up intentional failure through non delivery of tied products intentionally set to trap. Anonymous phone calls saying " I want you out, you bitch, the fact that you are still there is stressing us out", frightening calls with Operational Directors of expectations such as " if we grant you a refurb, I will be there everyday and make sure your feet burn". Statements of how life will be much harder if the pubs code went through and how support would be withdrawn if the Pubs Code went through.

#### 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: Completely inconsistent, and non - existent. A notion that support provided outweighed being free of tie is complete nonsense. Given the pricing and rents charged, that tied tenants face gives no room for margins and fair profits to survive alone, which does not support the argument that entering into such an agreement is a viable or cheap entry into such an agreement, which are set up to fail the ingoing tenant.

#### 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?**

Comments: The change needs to be on an extremely large scale and fairly governed as the so called Pubs Code Regulation, was supposedly set out to do with large penalties on failure to deliver by the Pub Co and associated organisations. Absolute transparency needs to be delivered in order to eliminate the [Redacted] which seems to be the practice. With organisations whom are set up to invigilate and support the tenant to ensure the code is adhered too, in practice and recent evident proves that a form of [Redacted], with intent to ensure that the tenant fails for nothing but greed and self profit. Transparency is non evident and need to be evident. Fair practice should ensure full tenant support with the partnership in mind. Fair discount pricing given their market as is done with the Managed Sector, full area manager support through thick and thin, full access to products that tenants choose for their business, which after all it is being on the forefront whilst Directors and Co lie cushty in glasshouse buildings. Pub co representatives to be governed and reprimanded on non ethical behaviour and Directors alike. Strip out the [Redacted] that we had unearthed. All tenants to be given a fair and justified chance to succeed, give that they are signed up to a partnership agreement. Severe penalties for Pub Companies and all representatives to blatant unfair treatment of tenants to include bullying and harassment at all levels. Tighten the right tenants and ensure a fair distribution of profits and eliminate all [Redacted] practices by pub cos alike. le Govern and regulate to the full with sever penalties. For government to open their eyes to what is really going on. [Redacted] Corporate practices to which a blind eye is clearly being turned.

## 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: [Redacted]

**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: From recent evidence, since the Pubs Code has been in place the overall view is non, other than powers have actually been used against the tenant receiving a fair deal. [Redacted] springs to mind. That is an overwhelming view and one we stand by, given the MRO's actually granted since the pub code came into statute, and many other issues, stands to almost zero given the percentage of MRO's granted since the Pubs Code came into play. The current [Redacted] should be investigated too!

**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: Zero, read all about it.

### Question 6

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

Comments: Absolutely. How is a tenant expected to pay such costs to exercise their just rights given the tight margins and low profit margins they are expected to work with! How

is it that a Pub Co's managed site gets all the benefits and loyal long standing tenants are penalised! After all, all part of the same co, unless of course something is lurking beneath with intent to fail the tenant, which is quite often the pattern.

## Part C: Pubs Code Regulations

### Question 7

**There are two sets of regulations that relate to the Pubs Code: The Pubs Code etc Regulations 2016<sup>1</sup> and the Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016<sup>2</sup>.**

**You may have commented on some of these provisions in response to questions in parts A and B of this consultation<sup>3</sup>, 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.](#)

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

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

<sup>3</sup> 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 Assessments<sup>4</sup> 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: As ex tenants of an [Redacted] site of almost 20 years I add that we were nothing but bullied, harassed and lied to. Intentionally set up to fail. We lasted as long with great thanks to parents whom very sadly ended up in selling up the family home after 50 years, through unethical rent rises, pricing policies and [Redacted] at the hand of their representatives and directors alike, [Redacted]. Directors [Redacted] with so called Managed Experts to [Redacted] is not Corporate behaviour that should be accepted, the norm or business practice alike. It is [Redacted] at it's full. The government now that in all full! It is not business practice and quite frankly the government is allowing for such behaviour to be accepted as the norm and such Pub Co's, dare I say other corporate companies are with intent being allowed to get away with it. This has being going on way too long and it is only the noise of those whom recognise such a disgusting and shameful trait that is trying to be heard. Our story in itself is shocking which I do dare share in time. Given [Redacted] and a photo I will release in time will such a consultation realise that something needs to be immediately done within this industry to put a stop to [Redacted] at the hands of sincere and utterly hard working publicans whom are in a firing line through no fault of their own. It is shameful of this Wester government to allow such to happen when they claim Britishness is something to be proud of. Shame on you! Our story and experience at the hands of [Redacted] are shocking and I will [Redacted] unearth all.

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<sup>4</sup> <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: Lots more, but no time at present. It should not take a repetitive and intentional delay of some years for all to be fairly regulated in place by now! Stop turning a blind eye and deal with it, as you expect of small businesses.

**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.](#)