

We were probably one of the very early cases that went through in [Redacted]. There were various issues that we did not agree with.

1. The amount of time it took. This should be clearly defined prior to the process starting.
2. In my case it was obvious that [Redacted]. I should have had the opportunity to claim for lost revenues as compensation for every month I was unable to trade free of tie.
3. Due to the amount of time taken the case developed secondary issues which were not allowed to be considered as they did not form apart of the initial review. This was not fully allowed to be addressed.
4. Information held by [Redacted] was not freely available to me, such as the length of leases being awarded to other pubs using the same process.
5. [Redacted]. In both cases I was only allowed to charge costs at £17.50 per hour. This is clearly not right both [Redacted] and the PCA would have a higher rate.
6. During the first review I raised the issue of a upwards only rent increases. The PCA supported this, but [Redacted] did not delete it from the lease which brought about a second review. The second review lasted a year. Why was this aloud. If the POB flagrantly ignores the PCA they should have the power to issue a FOT lease which is fit for purpose such a lease should be made available by as a template or standard offering.
7. A FOT Lease should not have a stocking obligation but should include a sensible offer to purchase cellar services in order to support gas services and similar mechanisms not covered by independent product suppliers.
8. A POB expects a rental increase for a FOT lease. However this increase should not be based on the loss of revenue to the POB due to the loss of tie. It has to reflect a percentage of the profit margin that the Tenant can expect to make from trading free of tie. While this amount may vary it would indicate a level of consistency if publicans could understand what this percentage might be prior to considering the MRO process.

Could a guideline percentage be published?

9. It's important to understand that a very high percentage of tied Pubs have derived other revenues in order to cover rents. The margins achieved on tied sales are so poor that its hardly viable to maintain trade on tied wet products alone.

For the majority of proficient publicans this makes sense. Margin is more important than revenue and the POB has little interest in this fact as long as wet sales are maintained.

Thanks

[Redacted]

[Redacted]