**PUBS CODE IMPLEMENTATION – STAKEHOLDER QUESTIONS**

**Information requirements in the Pubs Code**

Prospective tenants and early provision of information

We do not want to create a right to extensive information for any casual enquirer. There needs to be an indication that they have a serious interest in taking on the tenancy. On the other hand, there is much information that a prospective tied tenant ought to have at an early stage. We intend to consult on the definition of when that should be (i.e. what constitutes a prospective tenant for the purposes of the Code). Our current thinking is set out below – we would be grateful for your thoughts on this to inform the consultation question:

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| **Question 1** | **Do you think the following definition of a prospective tenant, for the purposes of receiving specified information, is appropriate?** * + Once the prospective tenant/licensee has been to view the pub following confirmation – for example, in an advertisement – that the premises are available to rent. This should be a physical viewing, not merely online;

*and** + Confirmation to the pub-owning business or its agent following the viewing that the prospective tenant/licensee is still interested.

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We have also been considering whether pub-owning businesses should be given the option of providing some of the pre-contractual information at a slightly later stage. If so, that would still have to be in good time for prospective tenants to prepare their business plan, which will need to be approved by the pub-owning business as sustainable before they conclude any substantive agreement.

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| **Question 2** | **Would it be helpful to pub-owning businesses and/or prospective tenants for some information to be provided at a later stage? Or would it be an unhelpful complication? If it would be useful, what information do you think should be provided later and at what stage in the process should this be?**  |

Repairs and maintenance obligations

Details of repair and maintenance obligations can be complex and are sometimes the subject of negotiation, often involving schedules, inspections, surveys and arrangements for dilapidations.

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| **Question 3** | **(a) If a pub-owning business gives prospective tied tenants/ licensees a summary of the nature of their repairs and maintenance obligations at the stage mentioned in Question 1, should it be able to provide the remaining details listing the full scope and extent of those obligations at a later point in the pre-contractual process? If so when should that be?****(b) Is there any information relating to repairs, other than the summary, that it is important for a prospective tenant to have from the start?** **(c) Are there any elements, eg: the schedule of condition or process for assessing dilapidations, that could safely be left even later – for instance, just included in the draft lease itself?**  |

Intention to sell the property

We expect the Pubs Code to include a requirement for pub-owning businesses to inform prospective and also existing tied tenants when the freehold or long leasehold owner (whether the pub-owning business itself or a superior landlord) is actively seeking to sell the property.

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| **Question 4** | **Is it reasonable to propose that this information should be provided as soon as reasonably practical once the pub-owning business starts actively seeking to sell the property or becomes aware that the freeholder or long leasehold owner is doing so? If not, can you suggest an appropriate alternative?** |