

## Tied Pubs Tenant Survey; FINAL Mainstage Version

### Pubs Code Adjudicator

*Length of interview: 15 minutes including screener*

#### INTRODUCTION

- Q1** Good morning/afternoon my name is ..... I am calling from GDCC on behalf of GfK UK Ltd an independent research agency. They are conducting a major research project on behalf of the Pubs Code Adjudicator or the PCA. We are NOT connected to (PUB OWNING BUSINESS FROM SAMPLE). Can I just check, is that (**PUB NAME FROM SAMPLE**) at (POSTCODE FROM SAMPLE)?

Yes	1	CONTINUE
No	2	TYPE IN DETAILS FOR RECORD AND CLOSE

- Q2** May I speak to the tenant for this pub please? EXTRA PROMPT IF NEEDED: We are looking for the person who holds or controls the tenancy with the Pub Company for this establishment.

IF UNSURE: clarify that this may be the person who owns the limited company which controls the tenancy, or the leaseholder

Put through	1	GO TO INTRO1
Speaking to correct person	2	GO TO INTRO2
Person based elsewhere	3	RECORD ON SMS WITH NAME AND NUMBER
No such person	4	RECORD ON SMS
Refused to put through	5	RECORD ON SMS
Call back later	6	MARK AS APPT ON SMS

ALL OTHER OUTCOMES RECORDED ON SAMPLE MANAGEMENT SYSTEM

### INTRO 1 - IF TRANSFERRED

Good morning/afternoon my name is ..... I am calling from GDCC on behalf of GfK UK Ltd an independent research agency. They are conducting a major research project for the Pubs Code Adjudicator or the PCA.

### INTRO 2: ALL RESPONDENTS

We are conducting a survey of tied tenants to identify awareness and understanding of your statutory rights, any experiences you might have had exercising them and any information that is needed in the future. We want to speak to a wide range of tied tenants, whether or not you have experience of this. The survey will take around 15 minutes depending on the answers you give. Are you happy to continue?

**ADD REASSURANCE IF NECESSARY:** No information about individuals or tenancies will be identified in the results shared with the Pubs Code Adjudicator also known as the PCA. Each Pub Company will receive their own results but these will be anonymised – nothing will identify yourself

**Not sure** – If 'Not sure' - go to reassurances

Offer reassurances below and if respondent wants further information, offer contact name at GfK.

1. The survey is conducted on behalf of Pubs Code Adjudicator or PCA.
2. Establishments have been chosen at random to take part.
3. If you would like to confirm that GDCC or GfK are bona fide Research companies, you can call the Market Research society, free of charge, on 0800 975 9596. If you have any queries about the research, please contact [EXECUTIVE NAME INSERTED HERE] at GfK on [GfK TELEPHONE NUMBER INSERTED HERE]
4. No information about individuals or organisations will be identified in the results or shared with your Pub Company.
5. All information collected will be used only for statistical purposes. The results will be based on an amalgamation of individual responses and we will not pass on individual results of the survey.
6. Your Pub Company is aware that you might be contacted – but you can check with them also.

## SCREENING

Base: All respondents

S1

Can you confirm which Pub Company you are currently a tenant with... If you are a tenant for more than one company please think about the company you have been with the longest time. SINGLE CODE ONLY

1. Admiral Taverns
2. Marston's
3. Punch taverns
4. Star Pubs and Bars
5. Green King
6. Ei Group (formerly Enterprise)
7. None of the above CLOSE

Base: IF STAR CODE 4 AT S1

S2

Have all or any of your Star tenancies been part of the sale from Punch? SINGLE CODE ONLY

1. Yes all/I only had one tenancy
2. Yes some tenancies
3. No none at all

**READ OUT IF 1 AT S2:** For the rest of this interview can we discuss your tenancy or tenancies experiences with PUNCH and not Star Pubs and Bars **NOTE: RELEVANT QUESTIONS WILL BE CONVERTED IN THE CATI PROGRAMME TO PAST TENSE FOR THESE RESPONDENTS**

**READ OUT IF 2 AT S2:** For the rest of this interview can we discuss your tenancy or tenancies experiences relating to Star Pubs and Bars ONLY.

Base: All respondents

S3

Please think about your relationship with [PUB OWNING BUSINESS], across all tenancies with this organisation if you have more than one. Can you confirm that you have held  **tied tenancies**  with them at any point since 21<sup>st</sup> of July 2016? READ OUT. CODE ALL THAT APPLY. NOTE THAT MULTIPLE OPERATORS CAN WORK UNDER DIFFERENT AGREEMENTS

1. Yes – Some or all tenancies were tied for beer, other drinks, other products, services  
CONTINUE
2. No - Fully Free of tie CODE 2 ONLY CLOSE

Base: All respondents

S4

In terms of the number of tied pubs you are a tenant of, are you currently a single site or multiple operator with [PUB OWNING BUSINESS]? IF MULTIPLE PROMPT FOR NUMBER OF TIED PUBS. INTERVIEWER NOTE: SOME WILL REFERENCE THEMSELVES AS AN OPERATOR OR RETAILER.

1. Single operator
2. Multiple operator: 2 tied pubs
3. Multiple operator: 3 tied pubs
4. Multiple operator: 4 tied pubs
5. Multiple operator: 5 or more tied pubs
6. Don't know/refused (DO NOT READ OUT): IF CODE 6 CLOSE

## SECTION A: CONTEXT AND OPERATING ENVIRONMENT

Base: All respondents

READ OUT: To start the interview I just need to ask a few questions about your tenancy and pubs you operate. IF MULTIPLE OPERATOR: Could you just talk to us about your tenancy/tenancies with [PUB OWNING BUSINESS].

PAST TENSE READ OUT: To start the interview I just need to ask a few questions about your tenancy and pubs you operated. IF MULTIPLE OPERATOR: Could you just talk to us about your tenancy/tenancies with [POB SELECTED].

Base: All respondents

A1

Which if any of the following apply to yourself and your operation[s]. READ OUT ONE AT A TIME. CODE ALL THAT APPLY

1. We operate under a franchise agreement
2. I am currently a tenant with a short agreement of less than 12 months or a tenancy at will
3. The Pub Company has invested heavily in the pub recently
4. I have taken on my first tenancy since 21<sup>st</sup> July 2016
5. I have held tenancies in the past, and have taken on a new tenancy since 21<sup>st</sup> July 2016
6. None of these

CATI CHECK: codes 4 and 5 should be mutually exclusive. If code YES to both – please check: “Can I just check please, you said you have taken on your first tenancy since 21<sup>st</sup> July 2016, AND have held tenancies in the past and have taken on a new tenancy since July 21<sup>st</sup> 2016 - Could I please check which one is correct?” SINGLE CODE:

1. I have taken on my first tenancy since 21<sup>st</sup> July 2016
2. I have held tenancies in the past, and have taken on a new tenancy since 21<sup>st</sup> July 2016

Base: All respondents

A2

Thinking about the sales relating to [IF SINGLE] your pub [IF MULTIPLE] all the pubs which you are a tenant for, what proportion of sales are from drinks, what are from food, and what are from other sources (these may include boarding, room rentals and so on)?[IF MULTIPLE] Please think about all of your tenancies **in total** under [PUB OWNING BUSINESS].

CATI INTERVIEWER: ENTER ACTUAL PROPORTION GIVEN AS PERCENTAGE

PERCENTAGE ENTER \_\_\_\_\_ Drinks

PERCENTAGE ENTER \_\_\_\_\_ Food

PERCENTAGE ENTER \_\_\_\_\_ Other

Don't know

Prefer not to say

CATI SCRIPT CALCULATE TOTAL \_\_\_\_\_ Total

CATI SCRIPT CHECK: SHOULD TOTAL 100% UNLESS DK IS INCLUDED IN RESPONSE

CATI SCRIPT: PLEASE ALLOW ZERO / NO ENTRY FOR „other“, but 1 or more for drinks / food

## SECTION B: AWARENESS AND UNDERSTANDING OF THE CODE AND PCA

Base: All respondents

B1

Have you ever read, seen or heard anything in relation to the Pubs Code? READ OUT. CODE ONE ONLY

1. Yes
2. No
3. Don't know / can't remember

Base: All respondents

READ OUT

The code came into force as a statutory code on 21 July 2016 and applies to all pub companies owning 500 or more tied pubs in England and Wales. It governs their relationships with their pubs but not with their managed houses or free-of-tie pub tenants. This replaces the voluntary code previously operated by your Pub Company.

Base: All respondents

B2

How aware, if at all, were you before today of The Pubs Code? READ OUT. CODE ONE ONLY

1. Very aware
2. Quite aware
3. Not very aware
4. Not at all aware
5. Don't know (DO NOT READ OUT)

Base: If code 1, 2 or 3 at B2

B3

How well informed, if at all, do you feel of your rights to the following...READ OUT CODE ONE ONLY FOR EACH STATEMENT. DO NOT READ OUT DON'T KNOW PLEASE ROTATE

	Very well informed	Quite well informed	Not very well informed	Not informed at all	Don't know	Refused
A. Information to make informed decisions about taking on a tied tenancy	1	2	3	4	5	6
B. The right to a rent review every 5 years as a maximum	1	2	3	4	5	6
C. The responsibility of your Pub Company representative to provide you with notes of discussions about rent, repairs and your business plans	1	2	3	4	5	6
D. Right to request a market rent only option to go free of tie in specific circumstances	1	2	3	4	5	6

Base: If code 1,2 or 3 at B2

B4

What sources of information have increased your awareness of the Pubs Code? DO NOT READ OUT. CODE ALL THAT APPLY. PROBE FULLY

- Pub Company/area manager/area representative
- [Pub Company or trade body] Roadshows
- Radio programs/news
- PCA website
- PCA enquiry line
- Other websites (e.g. British Institute of Innkeeping)
- Tenant representative groups (e.g. British Institute of Innkeeping / Federation of Licensed Victuallers Associations / Association of Licensing Retailers / Pubs Advisory Service)
- Newspapers (local and national)
- Magazines
- Leaflets
- Factsheets or flowcharts
- Videos
- Social networks
- Word of mouth – internal colleagues
- Word of mouth – external colleagues (e.g. accountant / bank managers / lawyers)
- Other (specify)
- Don't know

Base: All respondents

READ OUT

The Pubs Code Adjudicator or PCA is responsible for enforcing the statutory Pubs Code. The Pubs Code regulates the relationship between all businesses owning 500 or more tied pubs in England and Wales and their tied tenants. From now on we will refer to them as the Pubs Code Adjudicator.

Base: All respondents

B5

Before today, how aware, if at all, were you of The Pubs Code Adjudicator? READ OUT. CODE ONE ONLY

1. Very aware
2. Quite aware
3. Not very aware
4. Not at all aware
5. Don't know (DO NOT READ OUT)

Base: If code 1 or 2 at B5

B6

Have you ever used the Pubs Code Adjudicator for information or enquiries in the past? If so - What sources have you used? DO NOT READ OUT. CODE ALL THAT APPLY

1. No – not used in the past
2. PCA attendance at Road show
3. PCA authored Leaflets
4. PCA Website (general)
5. PCA Website (factsheets and flowcharts)
6. PCA Videos
7. YouTube
8. PCA Telephone Enquiry Line
9. PCA online Enquiry Form
10. Other correspondence with the PCA
11. Other (specify)
12. Don't know

Base: If code 1 at B6

B7

You have said that you have not previously used the Pubs Code Adjudicator for information or enquiries in the past – why is this? DO NOT READ OUT. CODE TO PRECODES

1. I have not had any need to
2. I use other sources for information
3. I was not aware of the PCA / that the PCA offered this
4. Other (specify)
5. Don't know

Base: Code 1-3 @ B5

B8

And have you formally referred a case to the Pubs Code Adjudicator for arbitration? CODE ONE ONLY

1. Yes
2. No
3. Don't know

**SECTION C: RELATIONSHIP WITH PUB OWNING BUSINESS AND BUSINESS DEVELOPMENT MANAGER**

READ OUT: The next section is about your relationship with [PUB OWNING BUSINESS]

Base: All respondents

C1

To what extent, if at all, do you agree with the following statements about your contact with your business development manager...READ OUT. RANDOMISE STATEMENTS BUT STATEMENT 4 MUST ONLY BE ASKED IF AGREE STRONGLY/SLIGHTLY AT STATEMENT 3 AND MUST ALWAYS FOLLOW STATEMENT 3

1. I have all the information I need about their role
2. They supply the support I need on an ongoing basis
3. They make formal notes of discussions about rent, repairs and business plans for my pub
4. I receive the notes made within 14 days; and I'm given 7 days to comment
5. They can inform me clearly on the details of the Pubs Code; and signpost appropriate sources of further advice
6. I have confidence in the way they handle my tenancy

Base: If code 4/5 at A1

C2

We understand that you have been in a tied tenancy since 21st July 2016. Can you tell us whether or not you have done any of the following since this date? READ OUT ONE AT A TIME. CODE ALL THAT APPLY [RANDOMISED LIST]

PAST TENSE We understand that you held a tied tenancy since 21st July 2016 with Punch. Can you tell us whether or not you did any of the following since this date whilst still a tenant with them? READ OUT ONE AT A TIME. CODE ALL THAT APPLY [RANDOMISED LIST]

1. Completed new entrant training
2. Submitted a sustainable business plan
3. Received information from your Pub Company describing the pub, setting out the rent and explaining both your and their obligations under the tenancy
4. Inspected the pub premises
5. None of the above

## SECTION D: EXPERIENCE OF CODE RELATED EVENTS

Base: All respondents

D1

There are various events under the Pubs Code that you may have experienced since 21st July 2016. Thinking about events since July 2016 with [PUB OPERATING BUSINESS], have you...READ OUT ONE AT A TIME. CODE ALL THAT APPLY [RANDOMISED LIST]

1. Received a tied rent proposal or rent assessment proposal
2. Renewed your tenancy agreement under the Landlord and Tenant Act
3. Been notified by your Pub Company of a significant increase in price of tied product or service
4. Notified your Pub Company of an event that will decrease the level of trade that is reasonably expected to be achieved at your pub over the next 12 months
5. None of these
6. Dont know (DO NOT READ OUT)

Base: if code 2 at D1

D1a

You said that you have renewed your tenancy agreement – was your renewal opposed by your Pub Company?

1. Yes
2. No

Base: If code 1/2/3/4 at D1 (CODE 5 OR 6 SKIP TO D10)

D2

Did this or these events lead to you submitting a Market Rent Only or MRO Notice? READ OUT EACH OPTION BEFORE CODING. SINGLE CODE

1. Yes
2. No – although an MRO notice was considered
3. No – an MRO notice was never considered
4. Dont know (DO NOT READ OUT)

Base: If code 1 at D2

D2a

[IF MULTIPLE OPERATOR] READ OUT: If you have been through the MRO application more than once with [PUB OPERATING BUSINESS], please think about the most recent occasion

What has been the outcome of this process? Would you say you are...READ OUT. CODE ONE ONLY

1. Now operating free of tie
2. Still tied to the Pub Company on your pre-existing tied terms
3. Still tied to the Pub Company and the MRO process helped you to negotiate a better tied deal
4. Still going through the MRO process
5. Other (specify)
6. Don't know (DO NOT READ OUT)

### D3

You said you had served an MRO Notice on [PUB OPERATING BUSINESS], which of these steps did you go through as a result....IF CODE 4 AT D2a If the process has not completed please identify the steps taken to date. READ OUT. CODE YES, NO OR DONT KNOW.

1. I had the MRO Notice accepted
2. I had the MRO Notice rejected by the Pub Company
3. ONLY IF CODE 2 (YES) I rectified the MRO Notice and successfully re-submitted it to the Pub Company
4. The Pub Company provided an MRO agreement and rent, but there was no negotiation
5. ONLY IF CODE 4 (NO) The Pub Company provided an MRO agreement and rent, and we went through an MRO negotiation process
6. The MRO Rent went to Independent Assessment
7. ONLY IF CODE 6 (YES) I and/or my Pub Company challenged the Independent Assessment
8. The MRO tenancy and/or terms were referred to Pubs Code Adjudicator (PCA) for arbitration

Base: If code 2 OR 3 at D2

### D4

It seems that you had the right to request an MRO agreement, but chose not to, why was that? DO NOT READ OUT. PROBE FULLY. CODE ALL THAT APPLY

1. Didn't know had the right to MRO at the time
2. Couldn't see any advantage in going MRO / free of tie
3. Happy with existing tied relationship / tied terms and/or rent
4. Thought the process would be too complicated
5. Thought the process would take too long
6. I didn't have the time
7. Wasn't confident in going through the process
8. Pub Company influenced me not to go for MRO
9. Pub Company pressured me not to go for MRO
10. Couldn't see the point in trying
11. Other (specify)
12. Don't know

Base: If code 2 OR 3 OR 5 at D2a (STILL TIED OR DISCONTINUED THE PROCESS)

### D5

It seems that you requested MRO but elected to stay tied, why was that? DO NOT READ OUT. PROBE FULLY. CODE ALL THAT APPLY

1. Couldn't see any improvements in going MRO / free of tie
2. Made me appreciate benefits of tied tenancy / Pub Company support/relationship
3. MRO terms / rent not what I was expecting
4. Process turned out to be too complicated
5. Process turned out to be taking too long
6. I didn't have the time
7. Happy with existing / offered tied terms
8. Wasn't confident in going further through the process
9. Secured a better tied deal in negotiations with the Pub Company
10. Pub Company influenced me not to go further through the process
11. Pub Company pressured me not to go further through the process
12. Couldn't see the point in trying
13. Other (specify)
14. Don't know

Base: If code 1 at D2

D6

Focussing on the process of dealing with a MRO Notice, how satisfied have you been with the following...READ OUT AND CODE ONLY ONLY. [RANDOMISED LIST]

	Very satisfied	Quite satisfied	Quite dissatisfied	Very dissatisfied	Don't know
A. The ease of identifying the event that gave you the right to ask for an MRO	1	2	3	4	5
B. Sources of information available to you when submitting your MRO Notice	1	2	3	4	5
C. The timings for submitting your MRO Notice	1	2	3	4	5
D. The response from your Pub Company i.e within the 28 day deadline of receipt of your notice	1	2	3	4	5
E. IF NOTICE REJECTED BY PUB OWNING BUSINESS The clarity of the response from your Pub Company about why it was not in agreement of your MRO Notice	1	2	3	4	5
G. IF NEGOTIATION PERIOD Willingness of your Pub Company to negotiate on terms and rent	1	2	3	4	5
H. IF INDEPENDENT ASSESSMENT Overall satisfaction with the assesment process	1	2	3	4	5
F. The final level of MRO or free of tie rent reached whether or not an MRO tenancy was signed	1	2	3	4	5

Base: If code 4 at D3 (DID NOT GO INTO NEGOTIATION)

D6a

You previously said that you submitted an MRO notice, but did not go into negotiation. Why did you not proceed any further through the process?

1. MRO rent too high
2. Length of MRO tenancy offered
3. Pub Company insisted on a new tenancy agreement
4. Deterred by high upfront costs for MRO tenancy
5. Deterred by high amount of assessment of dilapidations
6. Other (specify)
7. Don't know

Base: If code 5 at D3 (went through negotiation process)

D7

Thinking specifically about the negotiation process, how helpful was [PUB OWNING BUSINESS] during this time READ OUT AND CODE ONE ONLY

- Very helpful
- Quite helpful
- Not very helpful
- Not at all helpful
- Don't know

Base: If code 5 at D3 (went through negotiation process)

D8

Did the process of negotiation regarding your MRO request have a positive influence on your tied terms and rent? READ OUT.

1. No (SINGLE CODE)
2. Yes: tied rent agreed was lower than Pub Company's original tied offer (MULTI)
3. Yes: new tied rent was lower than existing tied rent I was paying (MULTI)
4. Yes: I was able to secure improved tied tenancy terms (other than the rent) (MULTI)
5. Don't know

Base: 1-4 @ D1

D9

Based on everything we have discussed so far, would you say you had the opportunity to make a **genuine** choice between the tied and MRO offers made by your Pub Company? CODE ONE ONLY

1. Yes
2. No
3. Don't know

Base: All respondents

D10

And have you experienced a need for information on any of the following issues governed by the Pubs Code....READ OUT ONE AT A TIME. CODE ALL THAT APPLY [RANDOMISED LIST]

1. Information on Insurance charges
2. Gaming machines tie
3. Notification by Pub Company of the sale of your pub
4. Use by Pub Company of flow monitoring devices
5. Agreeing an investment by the Pub Company that excludes your MRO right
6. None of these

## SECTION E: PCA AND COMMUNICATION GOING FORWARDS

Base: All

E1

We have talked a lot about the Pubs Code in this interview. If you wanted to know more about your rights under the code, in what format would you find this type of information helpful? DO NOT READ OUT. CODE ALL THAT APPLY [STICK OTHER & DK TO BOTTOM]

1. Pubs Code Adjudicator Website (general)
2. Factsheet and flowcharts
3. Video (YouTube)
4. Presentations at Roadshows
5. Leaflet
6. Telephone Enquiry line
7. Email question and answer
8. Other (specify)
9. Don't know

## SECTION F: PERSONAL DEMOGRAPHICS

Base: All respondents

READ OUT Finally, I would just like to ask a few questions to help classify your answers. Everything you say will be treated in confidence.

Base: All respondents

F1

*INTERVIEWER: RECORD GENDER OF RESPONDENT NOTE – DO NOT READ OUT*

1. Male
2. Female

Base: All respondents

F2

What is your age? *INTERVIEWER: PROMPT RESPONSE INTO BAND*

1. 16-24
2. 25-34
3. 35-44
4. 45-54
5. 55-64
6. 65-74
7. 75+
8. Refused

Base: All respondents

F3

For how many years in total have you held pub tenancies. Please think across all experience in various pubs and/or Pub Companies. DO NOT READ OUT - PROMPT TO RANGES

1. Less than a year
2. 1 – 3 years
3. Over 3 years up to 5 years
4. Over 5 years up to 10 years
5. Over 10 years or more
6. Don't know

Base: All respondents

F4

Can you see yourself remaining as a tenant with your current operation and tenancy agreement for the next five years? PROMPT TO PRECODES

1. Yes: definitely
2. Yes: maybe
3. No
4. Don't know

## SECTION G: RECONTACT

Base: All respondents

G1

The PCA wants to do further research about the issues we have discussed today with a small number of tied tenants. Would you be happy to be re-contacted by the research team at GfK if selected as part of this research within the next couple of months? They would like to spend some more time with you on the telephone conducting a less structured interview and covering some of the experiences you have had in more detail. Due to the amount of time we are asking there would be an incentive of £40.

- This would mean a 30-40 minute conversation at a convenient time for you with a researcher from GfK who is working for the Pubs Code Adjudicator (PCA) on this project.
- You would not be identified in any way to the PCA and your responses would remain strictly confidential

1. Yes
2. No

IF YES please note that we will select a number of respondents from those who are interested in participating, and not everyone who agrees will be chosen to participate

Base: If code 1 at G1

G2

Can I take your name down again please?

**(interviewer enter name and read back to respondent to confirm)**

Base: If Code 1 at G1

G3

May I also check that [textfill PHONE NUMBER FROM SAMPLE] is the best number to reach you on?

**Yes**

**No (interviewer enter new number and read back to respondent to confirm)**

Base: All respondents

CLOSE – READ OUT

On behalf of GfK and the PCA, thank you very much for your time.

IF SEEKING MORE INFORMATION ABOUT THE PROJECT If you have any queries about this research project you can contact [EXECUTIVE NAME INSERTED HERE] at GfK on [GfK TELEPHONE NUMBER INSERTED HERE]

IF SEEKING MORE INFORMATION ABOUT THE PCA OR PUBS CODE If you would like more information about the Pubs Code or the Pubs Code Adjudicator you can go to WEBSITE/TELEPHONE NUMBER