

DISABLED BY PUBCO, DEFENDED BY GMB

GMB members demonstrated against GMB member Peter Sanford, the tenant of The George and Dragon pub in Fritwell, Bicester, Oxfordshire, being evicted by his landlord Admiral Taverns. Admiral Taverns want him out of his pub because he has been disabled by a defective door fitted by Admiral during a then recent refit. Peter was injured at work on 21 July 2009. He suffered a broken knee, tibia and nerve damage. Now a wheelchair user the prognosis is that he will not recover the full use of his left leg and will be permanently disabled.

The door fitted by Admiral is unsuitable and does not fit the requirement of a business premises. A GMB officer who visited the pub and inspected the property reported that the standard of repairs were 'terrible and damp is prevalent throughout the building'. There are also no disabled facilities in the pub. Admiral Taverns business development manager



Mr Peter Smith has abused and threatened Mr Sanford saying that as a disabled person he could not expect to run a pub and that he must surrender the lease and leave the property. He told Peter Sanford that rent concessions or help from Admiral were no longer available.



GMB has kept Peter in his pub despite Admirals trying to get him out since May 2010. Hayley Brennan GMB, Lead Organiser Pubs, Clubs and Bars who is representing Mr Sanford said:

"This is a case that involves disability discrimination, negligence, workplace health and safety and taxpayers money all rolled up into a single case."

Mr Sanford does not accept that because he is disabled he should leave the pub. The demo was one more stage in GMB's campaign to ensure that Admiral Taverns accept it's responsibilities.

A four weeks Enforcement Notice was served by Health & Safety officers of Cherwell Council to replace the defective doors, they insisted that the pub remain closed from the end of May. This was served after Admiral Taverns, which was propped up at the end of 2009 by Lloyds Bank using taxpayers money and the company that put in the defective doors, informed the council that it was the tenants responsibility to repair the faulty doors. Admiral have since changed tack on this but the work has not been completed. I spoke to a senior official of Admiral Taverns last month to seek a negotiated settlement in this horrendous case but I was not able to make any progress. That is why GMB is organising a demonstration of GMB members outside Admiral Taverns Head Office in Chester to demand that they withdraw the threat of eviction, drop the claim for rent for the period in which the pub was not trading, complete the work on the defective doors and agree compensation for the injuries sustained by our member. Admiral Taverns need to recognise that GMB will not go away. The only sensible course is to sit down and reach an agreement on this case."

Join online at www.gmb.org/join

What's New

"I don't care about the tenants. If 22,000 tenanted pubs closed down tomorrow and the tenants were all chucked out on the streets, I'd be a very happy man. Conversion to housing is the future for pubs." GMB Officers were told at a meeting with Andy Brough of Schrodgers, primary investor in Punch Taverns.

He went on to say, *"All we care about is the Managed pubs, that's where all the money is safe"*. Thanks to this frank admission, every UK pub whether Pubco managed or tenanted is now a GMB target.

GMB is working on a new GMB Pubco members' dedicated website. You will be able to find all the information you need and a forum where you can discuss your problems or leave advice for other GMB members who may be having similar battles with their own pubco. In the meantime go to www.gmb.org.uk/campaigns

GMB's New Nationwide Local Structure

GMB has set up a new nationwide structure especially to assist, support and communicate with GMB Pubco members. All regions have a dedicated GMB officer to assist tenants to coordinate the fight in their area. GMB also have Hayley Brennan as National GMB Chair and Sharon Leslie as the National Branch Secretary. But you need to be proactive and anybody who wants to be more active in the campaign and play a key role in their GMB Region should get in touch with the Sharon. A list of GMB Pubco Officers and their contact is included in this newsletter.



GMB Pressurising the Tory-Lib Dem Government

The Tory – Lib Dem Government have reconvened the BISC Pubco Inquiry and have signaled that they will end cheap supermarket booze deals that can lead to binge drinking and violent disorder. Labour MP Adrian Bailey is the new Chairman of the BISC Pubco Inquiry, and the man tasked with ensuring the industry makes significant steps to meet the time scales for radical reform as laid down in the damning findings of the committees previous Chairman Peter Luff MP. GMB continue to lobby Government hard and fast to bring an end to the continued exploitation tenants experience at the hands of the Pubcos. The GMB Central Executive Committee (CEC) at this year's GMB Congress in Southport formed the policy of lobbying Government for an immediate referral to the Competition Commission. It is important that we continue to grow our Pubco membership and display a strong and united front against the Pubco abusers.

GMB MEMBERS ACTION PLAN TO TAME THE PUBCOS

1 Political action by the Government

2 Media & publicity

3 Legal help

4 Industrial action

The political route includes continuous lobbying of MPs, questions raised in Parliament, pressing for legislation to regulate the industry and call the Pubcos to accountability.

Through the media and publicity we will ensure that the actions of the Pubcos are brought to the public attention, including the charging regime, evictions and bullying of tied tenants.

GMB will instigate legal action against Brulines fines where there is no evidence of buying out of tie, with a legal package that is value for money for initial legal advice from a specialist Lawyer.

GMB will also monitor legal cases to ensure that we all know about any important legal precedents which are set, that will protect tenants for the future.

GMB members' ultimate course is the industrial route. GMB tied tenant members will be balloted to see if they are in favour of industrial action with a view to a mass boycott of tied supplies. Any action would mean that all tenants would collectively purchase their supplies from a wholesaler. The tenant would immediately increase their profit, enabling them to earn a living wage, offer a better service and a cheaper pint to their customers.

GMB LEGAL UPDATE

Don't sign anything

The best way to avoid getting into problems with your pubco is to make sure that you don't sign away your rights in your contract. BEFORE YOU SIGN ANYTHING take legal advice, do your research and don't sign anything the pubco's give you until you have. It is shocking how easily people sign up to these pub leases without doing any due diligence or getting even preliminary surveys of the buildings. You wouldn't buy a house on that basis so why would you commit to a business where building condition is so vital to the success of your business. Unfortunately English law rests mostly on 'buyer beware' with limited disclosure duties on sellers, particularly where businesses are concerned.

Stand up to your Pubco

GMB has found that the pubco usually back down and GMB members have achieved much better settlements when they have stood up to them. The pubcos are not used to being challenged the way GMB members are challenging them – it's never happened before, and GMB members are now most certainly getting the better of them.

GMB forces Brulines to back down

Brulines reps are required to make 60 pub visits a week – because so many tenants are now challenging them the pubcos have upped their visits to 65 per week to get the cash in.

PUBCO NEWS

As the Pubco boardrooms award themselves bonuses, years of under investment in the fabric of their estates has finally caught up with them as the dangerously dilapidated buildings start literally falling apart at the seams. An alarming number of reports are coming in ranging from electrical shocks from un-certificated wiring, dangerous and uncertified boilers, non-compliance with fire regulations, ceiling collapses and even building collapses. Injuries have been sustained by our members directly due to Pubco negligence and we are calling on the Health & Safety Executive (HSE) to undertake an urgent review of all tenanted pubs in the UK – starting with Enterprise Inns.

RECENT GMB LEGAL CASES REVIEW

- GMB is providing some funding a number of cases across the country. If members come to us with a legal problem we put them with solicitors who are experienced in the area of conflict whether it is related to the pubco leases or to do with Brulines issues. GMB has selected a variety of specialised solicitors around the country. GMB has agreed subsidised rates with those firms, so members have the comfort of knowing they are seeing someone skilled, and for a lower rate.
- If the cases are related to a unique point or something that GMB could change the law or practise for all our members then GMB is offering more support whether it is financial, or sharing counsel's opinions and expert evidence that we have from other cases.
- GMB has specialist solicitors pursuing a number of Brulines related cases. They have cases where Brulines is being imposed as part of a new lease, cases challenging the scientific evidence related to Brulines accuracy, and cases where Brulines have manipulated the figures to try and provide buying out of the tie.



- GMB is funding an Appeal Court case which is looking at the 'reasonableness' of Pubco prices charged to members.
- GMB has numerous cases fighting evictions, challenging the imposition of new clauses into leases, challenging situations where tenants have been pressurised into signing new leases, fighting back where repairs by the Pubco have been shoddy or have failed to happen at all, and challenging the imposition of fines triggering eviction proceedings.
- GMB finds that once tenants fight back the Pubcos often back down and settle rather than have new case law established against them. If you have a concern, please talk to your local GMB Organiser as soon as possible. GMB can do a lot more if you come to us at the beginning than if you leave it until Court proceedings are under way.

YOUR LOCAL GMB CONTACTS

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HOW DO I JOIN? JOIN ONLINE AT WWW.GMB.ORG.UK

Or just fill in parts 1, 2 and 3 in the form below. Hand the form to your local GMB representative or post it to GMB, GMB Southern Region, FREEPOST KT 786, 205 Hook Road, Chessington, Surrey KT9 1BR (you do not need a stamp). If you have any questions contact your local GMB office, email info@gmb.org.uk or visit our website www.gmb-southern.org.uk

FOR UNION USE ONLY Section Branch No P 4 0 Membership No Date of joining Employer 5 6 0 1 6

GMB MEMBERSHIP APPLICATION FORM PLEASE USE BLOCK CAPITALS

1 TELL US ABOUT YOU

Surname First name Title Mrs/Miss/Ms/Mr Date of birth

Home address Postcode Home Tel Email

Date Mobile I agree to abide by GMB rules Signature

We ask for your ethnic origins as part of our equal opportunities policy of improving services to all members
 Bangladeshi Black African Black Caribbean Black British Chinese Indian Irish Pakistani White Other:

2 TELL US ABOUT YOUR JOB

Employer Your job

Address where you work Postcode

How many hours a week do you work?

Pay No

Work Tel Pay Date

3 INSTRUCTION TO YOUR BANK OR BUILDING SOCIETY TO PAY BY DIRECT DEBIT



Please fill in the form and send to **GMB Southern Region**, Cooper House, 205 Hook Road, Chessington, Surrey KT9 1EA

Name and full postal address of your Bank or Building Society branch

To the Manager of Bank/Building Society
Address Postcode

Name(s) of account holder(s)

Bank/Building Society Account Number

Bank/Building Society Sort Code

Reference number (Office use only)

Originator's Identification Number 9 7 4 3 3 0

For GMB official use only. This is not part of the instruction to your Bank/Building Society. If your A/C number is not available fill in your address below.

Instructions to your Bank or Building Society.
Please pay GMB Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with GMB and, if so, details will be passed electronically to my Bank/Building Society.

Signature(s)

Date

Banks or Building Societies may not accept Direct Debit instructions for some types of account