

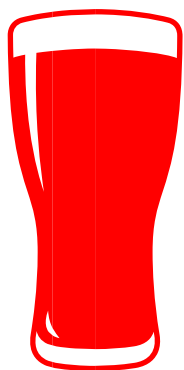


# MARSTON'S



**Pubs Code:  
Taking a new  
agreement  
with  
Marston's**

**Foundation Agreement**



## INTRODUCTION

The Pubs Code Legislation came into effect on 20th July 2016. Marston's Plc operates under the provisions of the legislation. You may already be operating under a temporary agreement. This details information that we (the Pub Owning Business) are legally obliged to give you (the Tied Pub Tenant), along with details of the information you need to give us

before entering into a substantive agreement. Each piece of information must be collected and received in a specific order, so this guide has been developed to give you a step-by-step guide to the process.

## RECRUITMENT



### We will:

- Give you a copy of 'Your Pub Your Vision' so we can learn your vision for the pub going forward
- Arrange your credit check  
*Please give us: your full name, current address and a personal email address.*
- Ask for documentation that proves your Right to Work in the UK

*This is a legal requirement. If you are a British Citizen this should be your UK or Irish passport. Alternatively, if you do not have one, you will need to provide your full birth certificate and National Insurance details. If your passport was issued by an EU country (not the UK or Ireland) we will need you to provide us with a share code available from [View and prove your immigration status - GOV.UK \(www.gov.uk\)](https://www.gov.uk) to allow us to verify your Right to Work online. Please note if your documents are in your birth name and you have married since they were issued, we will also need your marriage certificate. If your passport was issued by a country outside the EU, we'll need your working visa. If this requires sponsorship, please note that unfortunately Marston's are not a licensed sponsor.*

## PUBS CODE PROPERTY PACK

Once you've completed the previous stages, if successful, we will give you:

- A Pubs Code Property Pack, which includes a copy of, and summary of the proposed agreement together with copies of Marston's protocols and general information about the pub

Please sign and return the Pubs Code Property Pack Information Supply Sheet to acknowledge receipt.

*Do not obtain independent professional advice or prepare a Business Plan until you've received your Pubs Code Property Pack. And remember, the Pubs Code Property Pack will be valid for just nine months from the date of issue, after which time, it will have to be re-issued. If it does expire, it will be down to you to provide updated independent professional advice.*



## INDEPENDENT PROFESSIONAL ADVICE

Once you have your Pubs Code Property Pack you should:

Obtain your own independent professional financial and legal advice

- *This advice is for your benefit to ensure that you understand your obligations under the terms of your agreement.*
- *Your agreement is in our standard format. We won't negotiate any amendments to the agreement and any legal advice you seek out should pertain to the agreement as drafted.*
- *Marston's will attach a 'Schedule of Condition' to your agreement, which will record the condition of the private living accommodation at the beginning of the agreement.*
- *All professional advice should come from an appropriately qualified professional, as detailed in the Appendix at the end of this guide.*
- *All independent advice should be obtained by the person or company whose name the agreement is going to be issued in.*
- *Your professional advice must be addressed to the individual or company whose name the agreement is going into and include the full address of the pub. The advice needs to be signed and dated by the individual giving the advice and should include their qualifications. Your financial advisor must give their opinion on whether your business plan is sustainable.*
- *If you decide to put the agreement in a company name, all professional advice should be in the company name as it to appear on the agreement and the guarantors should be named on the advice letters received.*

## BUSINESS PLAN

Complete and return your Business Plan including your P&L, Cashflow and Sensitivity Analysis. Templates are available in your Property Pack.

*Make sure your Business Plan includes the correct management charge and retained sum and reflects any RPI increases regarding charges such as the buildings insurance.*

*It is also important to make adequate allowances to cover all costs (including the full cost of your repairing liabilities).*

*Please ensure that the cashflow has the pub name on it and that the cashflow commencement date is the same as the commencement date of the agreement.*

## INFORMATION NEEDED PRIOR TO FORMAL OFFER LETTER

Before we send you an offer letter, we will need you:

- Signed Pubs Code Information Supply Sheet
- A copy of your Personal Licence
- PEAT Certificate. Get yours for approximately £100 + VAT
- Credit check information
- Right to Work information
- Written proof of financial advice
- Signed standard letter confirming legal advice has been taken
- Signed Business Plan
- Property advice recommended

## DON'T FORGET

Marston's provides BII membership for our Foundation sites – they have lots of resources to help with business planning. Visit [www.bii.org](http://www.bii.org) for more information.

## FORMAL OFFER LETTER

When you receive your Formal Offer Letter, you will need to send us:

- Proof of insurance, which must meet the minimum requirements set out in the agreement. Also, the name on the insurance policy must be the same as the name the agreement is going to be granted in
- Deposit - £5,000 minimum
- Our Legal Fees - £360 (including VAT)
- Confirmation of VAT registration

## PRE-ENTRY TRAINING

Once we have all relevant documentation, you will need to complete all pre-entry training before entering into your substantive agreement.

*Everyone named on the agreement must complete all the pre-entry training unless they qualify for a training waiver.*

*If the agreement is in the name of a limited company, all guarantors who are Directors of the company must complete training, unless they qualify for a training waiver.*



If your Business Development Manager\* believes you could qualify for a training waiver, you will need to give them details of any other tied pubs you occupy (or any other Marston's tied pubs you've occupied) on a substantive agreement.

If you qualify for a waiver, we will send you a letter to sign and return, confirming that you qualify for the waiver, before you enter into your substantive agreement.

*\* For clarity The Pubs Code refers to Business Development Managers, Marston's also refers to them as Area Operations Managers.*

*Pre-entry training currently comprises two days online induction training and a selection of e-learning modules together with additional EPOS training. Marston's provide the training free of charge but accommodation, travel and food (if needed) are not included.*

## AGREEMENTS

Once you have given us all the information and completed the pre-entry training:

- We will issue you with your agreements and a Commitment Pledge for signature. Your Commitment Pledge is a document setting out our expectations during your agreement
- Your agreement is contracted out of the provisions of the Landlord & Tenant Act 1954 and you will have to sign a statutory declaration, witnessed by either a Commissioner for Oaths or a Solicitor empowered to administer oaths
- All signed documents should be returned to the **Operational Estates Admin Department, Marston's PLC, Marston's House, Brewery Road, Wolverhampton WV1 4JT**
- Once we have completed the agreements, we will return a signed copy to you.



# APPENDIX

## DETAILS OF QUALIFICATIONS REQUIRED FOR INDEPENDENT PROFESSIONAL ADVISORS

### PROPERTY ADVICE

A member of:

- The Royal Institution of Chartered Surveyors – RICS qualification

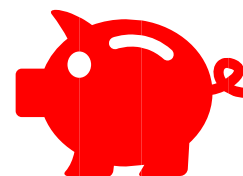
### LEGAL ADVICE

- A member listed on the Solicitors Regulation Authority, the Bar Council and the Council for Licensed Conveyancers. Either a qualified:
  - Solicitor
  - Legal Executive – minimum requirement
  - is a fellow of this institute (FILEX)
  - Barrister
  - Licenced Conveyancer

### FINANCIAL ADVICE

- Institute of Chartered Accountants in England and Wales (ICAEW) – Advisors must be an associate or a fellow of this body and will have the designated letters ACA and FCA respectively after their names
- Institute of Chartered Accountants in Scotland (ICAS) – Advisors must be an associate or a fellow of this body and will have the designated letters ACA and FCA respectively after their names
- Association of Chartered Certified Accountants (ACCA) – Advisors must be a full member or a fellow of this body and will have the designated letters ACCA and FCCA respectively after their names
- Chartered Institute of Management Accountants (CIMA) – Advisors must be an associate or a fellow of this body and will have the designated letters ACMA and FCMA respectively after their names

- Association of Accounting Technicians (AAT) – Advisors must be a full member or a fellow of this body and will have the designated letters MAAT and FMAAT respectively after their names
- International Association of Bookkeepers (IAB) – Advisors must be a fellow of this body and will have the designated letters FIAB after their names
- Institute of Certified Bookkeepers (ICB) – Advisors must be a full member or a fellow of this body and will have the designated letters MICB and FICB respectively after their names
- Institute of Financial Accountants (IFA) – Advisors must be a full member or a fellow of this body and will have the designated letters AFA/MIPA and FFA/FIPA respectively after their names
- Certified Public Accountants (CPA) – Advisors must be a full member or a fellow of this body and will have the designated letters ACPA and CPAA respectively after their names



## **TO RECAP YOU WILL NEED:**

- Signed Pubs Code Information Supply Sheet**
- Personal Licence**
- Credit Check**
- Right to Work**
- PEAT Certificate**
- Financial Advice**
- Legal Advice**
- Completed Business Plan**
- Signed Offer Letter**
- VAT Registration**
- Signed Commitment Pledge**
- Pre-Entry Training Completed (or waiver received)**
- Insurance**
- Deposit and Legal Fees paid**
- Agreement and Stat Decs Signed and Returned to Operational Estates Admin at Marston's**



# **MARSTON'S**