

Publican

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Lessees rocked by long lease bungle

by Andrew Don

West Midlands licensee Roy Scott and his wife Shirley claim they face financial penalties after a troubled liaison with Wolverhampton & Dudley Breweries.

But now W&D claims it will give the case urgent attention, after being contacted by *PUBLICAN*.

The Scotts, not far off retirement age, took on the lease of the Cross in Kinner in October 1991. They got a £12,000 loan from the National Westminster Bank against the security of the lease and a £10,000 overdraft facility. They also put up £5,000 of their own cash as a deposit, and spent £1,800 on fixtures and fittings.

But 16 months later, the brewer has still not given them a copy of the contract, and with depressed trade Shirley Scott claimed she had been forced to sell her mother's house to pay off the bank.

The bank told *PUBLICAN* it



Roy and Shirley Scott: No lease contract, no security

had written monthly to the brewery asking for the contract and last October it was sent a photocopy, but the bank wants the original as security.

To add confusion to the situation, W&D had asked the couple to sign a three year agreement in October 1991 on the understanding it would be upgraded to a 10

year lease.

W&D claimed the couple were shown a copy of this contract.

However, after it was upgraded the Scotts claim a new copy was never sent to them. W&D put this down to the fact that a land dispute, and other problems, had delayed it getting a copy of the lease to the couple.

Former W&D area manager Brendan Donnelly, who was with the Scotts when they signed the lease, told *PUBLICAN*: "I don't know why they haven't received a copy of the 10 year lease by now. It does seem strange."

However, after *PUBLICAN*'s investigation, W&D's regional manager Paul Jackson contacted the Scotts to assure them that everything would be sorted out.

Bad treatment

Both NatWest and the Licensed Victuallers Trade Association (Midlands) were appalled at the time it had taken W&D to sort the situation out.

The appointment of three different area managers during the Scott's time at the pub has caused more difficulties and the most recent, Peter Cox, barely weeks in the job, is not yet familiar with the case.

Shirley Scott told *PUBLICAN*: "We kept asking for a copy but they said it had not returned from the stamping office. The bank is threatening to call in the loan because it lent us money with no

Lockett of NatWest's Stone branch in Staffordshire, confirmed he had finally received a photocopy but said he had to have the original.

"We are writing to W&D monthly. I don't know if they are stalling or just slow. To still be writing after 14 months for satisfaction of a document is a bit slow," he said.

W&D said that it was unusual for a bank to request the original contract, but reiterated the delay had been caused by a land dispute.

When the Scotts went to LVTA (Midlands) for help, secretary John Torrington said: "I don't understand why the Scotts have not got the contract. If it is an administration cock-up W&D should be big enough to admit it."

W&D's regional manager Paul Jackson added: "Without a doubt I'll make it priority that we get the agreement to the tenants and I will speak to the bank. It is being dealt with now. I want everything sorted out straight away."

He also said there had been problems with deed plans for the pub and the surrounding area which had led to delays in getting the contract stamped.

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PUBLICAN's legal expert Peter

grow for traditional Scottish pub

Scottish Licensed Trade Association president Nicol Manson.

Making the keynote address to nearly 1,000 publicans and trade association representatives

nation against the pub. Advertising should be maximised without implying it is better to drink at home".

Under fire

recession," said Manson, who runs a business in Inverness.

Many had resorted to reducing their margins in a bid to attract trade, but that was a tactic