

# PUBLICAN

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Kevin Harty: wants 50-strong pub group in five years time

## Royal pub group aims to grow

Small Lancashire group Royal Freehouses was on the verge of clinching the first of seven outlets it plans to buy in the next few months, as *PUBLICAN* went to press.

This will take the group, owned by Kevin Harty and his wife Dawn, to 17 pubs and it hopes to have 25 by the end of 1994, and 50 by 1998.

The company switched to new technology a year ago and it set up a system to cope with 50 outlets.

The deals will be financed initially from reserves. It then hopes to get loan ties from whichever of the big brewers is strongest in any given location.

"I am sure we could come to an agreement whereby if they help us to grow I would like to sell their products," said Harty.

The group's pubs stretch from Glossop to Burnley, although most are in the Lancashire area.

## THE LAW CAN PROTECT YOUR BUSINESS

# Anger as bailiffs 'swipe' pub tools

by Andrew Don

Bailiffs that strip a pub of the "tools of its trade" are breaking the law.

Many bailiffs have been removing tills, refrigerators and even beer kegs from pubs with rent arrears, it has been claimed. And this week experts have made it clear that this type of action is illegal and should be reported to the County Court.

The law says that certificated bailiffs can claim goods from non-domestic properties when rent is just one day late, without asking for County Court permission and at the landlord's request. They can turn up without notice and sell the items after five days if the rent is not paid.

But they can't take fixtures and fittings, items in use, basic tools of the trade, and household goods.

### Kegs taken

Licensees' associations claimed they know of cases where bailiffs had swiped "tools of the trade".

And Martin Moore, who ran the Bridge Inn in Uckfield, East Sussex, claimed he had a pool table, till, refrigerator, spirit measures, and even beer kegs taken. He is now applying for legal aid so he can try and get compensation.

*PUBLICAN* put Martin

Moore's complaint to Whalley & Saunders, the firm of bailiffs, alleged to have taken vital business items from his pub.

Director Rod Whalley said: "I am confident the action we took was correct."

Although he would not comment on what goods were taken, he said the term "tools of the trade" was open to interpretation.

An exact definition needed to be tested in court, he added. And he insisted that his lawyers confirmed the company was acting within the law.

### Court ruling

*PUBLICAN*'s legal expert Peter Coulson said licensees could go to the County Court and ask for an order for a return of goods taken.

"The remedy is likely to be a County Court action to get the registrar to say the action was unfair and unreasonable."

The Lord Chancellor's Department is now looking to change the law as it said the current rules were "complex, illogical and obscure". But there isn't much hope that any changes will be quick, since the Law Commission published a report in 1966 calling for changes.

None of the recommendations were taken up.



Bailiffs shouldn't take anything that interferes with the day-to-day running of your business

### What bailiffs are entitled to do:

- Rent bailiffs can only visit between sunrise and sunset on normal working days
- A bailiff has a right to enter without force. He can climb through an open window
- If met at the door they can be legally refused entry
- Once inside they can break into cupboards and rooms, and if they have gained legal entry on a previous occasion they can break back in
- Rent bailiffs have to leave a wide range of goods. Some are exempt from seizure altogether such as fixtures and fittings, items in use and basic tools of the trade and household items. The business should have sufficient equipment to carry on trading and the family have basic clothing, bedding, furniture
- The debtor should be given an inventory of these goods and details of the debts

Source: John Kruso, author of *Dealing with Distraint*

Note: If a bailiff acts illegally, make a written complaint to the chief clerk at your County Court that has certificated the bailiff, and mark the envelope "personal"

## Police let attacker off before seeing the evidence

Make sure police get all the evidence when you are reporting violent incidents, otherwise the troublemakers might get off lightly.

Oldham licensee Michael Flaherty, of the Prince of Orange Hotel in Ashton-under-Lyme, learned this lesson the hard way.

He had vital evidence on a closed circuit TV after he was abused by a violence customer. But police saw the evidence too late, and Flaherty now believes the troublemaker got off lightly as a result.

### Smashed

He suffered verbal abuse from the customer after he refused to serve him.

A litre and a half of vodka, and glasses, were smashed and there was a brief struggle before the customer finally left.

"All this was caught on my video camera. I installed it myself as a security measure. The police came almost immediately after the incident and arrested the lad, who was in the premises opposite drinking and bragging about what he had done," explained Flaherty.

But although the officer promised to come back later and take a statement from him - which is when Flaherty planned to show him the video - he didn't come back. And that led to the police questioning the lad and just issuing him with a caution.

### Just a caution

Flaherty felt the caution was not enough to compensate him for the damage, and was sure if police had seen the video they would have been tougher.

"It was a very frightening experience and it looks horrific on the video. The vodka cost £21.84 including VAT and there were other glass items damaged. I think it would have gone to court if the video was seen, and this customer would have been more severely dealt with."

Police at the Ashton-under-Lyme station said the matter was in hand, and the police had acknowledged Flaherty's points and were making the relevant inquiries.

## Govt reforms get Brewers' Society backing



Brewers' Society gives its full support to licensed trade reforms, including Children's Certificates

The Brewers' Society has given its formal support to the Government's proposals on licensing reform.

It has even backed the controversial decision on café licences in its official reply to the Home Office.

### Tougher criteria

But while it is in favour of the reforms, which it says will see pubs developing as leisure and community focal points for families, it wants to see tougher licensing criteria, including training for new licensees.

The Brewers' Society wants:

- Children's Certificates introduced which would allow children under-14, accompanied by an adult, being allowed into the bar area until at least 9pm
- Café Licences, as long as they were subject to the same regulations as pubs
- all new licensees to hold a retail training certificate
- to see "need" abolished from licensing applications

The industry had been asked to get its views on the White Paper, called *Possible Reforms of the Liquor Licensing System in England and Wales*, in by the end of June.

## INSIDE

### THE BIG BUY-OUT

Just why did Greenalls plump for Devenish and what does the future hold for Boddington?  
Page 6

### CLEAN UP TIME

Don't just do what you have to do. You will boost your business if you improve cleaning and hygiene.  
Pages 14-21

News	pages 3-5
Law	page 8
City	page 10
Property	page 23
Crossword	pages 31