

Proposed Tied Pubs (Code and Adjudicator) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I would like this response to be anonymous (the response may be published, but no name)

Please provide your name or the name of your organisation

Not applicable

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Q1. 1. Which of the following best expresses your view of establishing a statutory Scottish Pubs Code and Scottish Pubs Code Adjudicator? Please explain the reasons for your response.

Fully supportive

Q2. 2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

No

Q2. 2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Please explain the reasons for your response.

The licensed trade requires robust legislation to ensure vulnerable businesses are protected against large pubcos who routinely take advantage of them. As the industry is unable to police itself, the Scottish government must act. Westminster has legislated progressively on the issue and Scottish businesses deserve the same protection.

Q3. 3. What do you think would be the main advantages, if any, of establishing a statutory Scottish Pubs Code and Adjudicator?

A statutory Scottish Pubs Code and Adjudicator would protect the interests of many Scottish businesses including pubs, restaurants, clubs and breweries. It would also serve the interests of the Scottish consumer, protecting choice on the bar and reducing the chance of over-inflated prices

Q4. 4. What do you think would be the main disadvantages, if any, of establishing a statutory Scottish Pubs Code and Adjudicator?

I can't see any disadvantages

Q5. 5. Which of the following best expresses your view of establishing a Market Rent Only option for tenants as part of a Scottish Pubs Code?

Fully supportive

Please explain the reasons for your response

Unreasonable rental agreements cause businesses to close. MRO would significantly reduce the chance of Scottish businesses finding themselves in unworkable situation.

Q6. 6. What do you think of the proposed contents of the Bill and the Code, and the scope of the Adjudicator's powers, as detailed on pages 17-18 of the consultation document?

They seem appropriate

Q7. 7. Which of the following best expresses your view of the Scottish Pubs Code Adjudicator being able to impose financial penalties for breaches of the Code?

Fully supportive

Please explain the reasons for your response.

Financial penalties are an excellent deterrent and often the only way to make a big business sit up and take notice

Q8. 8. In terms of who the Scottish Pubs Code, and Market Rent Only option, should apply to, which of the following best expresses your view? If you choose option (a) you will automatically be taken to question 10. If you choose (b) or (c) you will automatically be taken to question 9.

Q8. 8. In terms of who the Scottish Pubs Code, and Market Rent Only option, should apply to, which of the following best expresses your view? If you choose option (a) you will automatically be taken to question 10. If you choose (b) or (c) you will automatically be taken to question 9.

(b) The Scottish Pubs Code should apply to all tied pubs in Scotland, but the Market Rent Only option should only apply to tenants of larger pubcos.

Please explain the reasons for your response.

Tenant's of larger pubcos are the ones at risk from unfair practices of companies who have no interest in making their tenanted businesses work. They force tenants into unfair agreements which often lead to the loss of businesses, all the are interested in is collecting rent and pushing their own agenda.

Q9. 9. How should larger pubcos be defined (e.g. by size of turnover, number of tied pubs owned in Scotland (if so, how many, etc.))?

As per the England and Wales pubs code, 500 outlets+ is a reasonable way to define a large pubco

Page 17: Financial implications

Q10. 10. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) the pub companies which own tied pubs (Pubcos)			X			
(b) Tied-pub tenants					X	
(c) Tied-pub customers					X	

Please explain the reasons for your response

Pubcos do not invest more in their tied tenants, they receive funds from them through inflated costs for products and services. If tenants could free themselves from these agreements, they could then pass savings on to the consumer

Q11. 11. How do you think the associated costs of the proposal (predominantly the establishment and on-going running costs of a Scottish Pub Code Adjudicator) should be funded?

Costs for the proposal should be met by the pubcos themselves. If they are acting in the interest of the industry, they should be willing to fund this.

Page 19: Equalities

Q12. 12. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

Positive

Please explain the reasons for your response

Freeing businesses from crippling rental arrangements increases the likelihood that they will be able to expand. It follows, therefore, that they will be able to take on additional employees as a result of this expansion. This therefore statistically increases the chances of those eligible for employment (including all groups outlined above) to find work in the Scottish licensed trade

Q13. 13. In what ways could any negative impact of the Bill on any of the protected characteristics be minimised or avoided?

No negative impact

Page 21: Sustainability of the Proposal

Q14. 14. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response

If the pubcos meet the cost, there will be no disproportionate economic impact. A flourishing licensed trade will also benefit the wider economy through tourism etc. Pubs are often community hubs, so there would be a clear social benefit as well.

Page 22: General

Q15. 15. Do you have any other comments or suggestions on the proposal?

no