

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

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

Comments:

I believe that in the current financial climate everything possible should be done to allow honest pub landlords to make a decent living for the service they provide. Too many local pubs are being lost due to

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.

the financial pressure that has been placed on these businesses and the personal pressures placed on the landlords in trying to keep the businesses running as going concerns.

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

No

Please explain the reasons for your response.

If these proposals could have been delivered without the bill they would have, they haven't so a bill is needed.

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

It would allow the landlord to be able to have more control on the product they supply and allow them more leeway to increase income to keep the business viable.

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

Personally I don't see any disadvantages in establishing a statutory Scottish Pubs Code and Adjudicator.

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

The rent should be levied on a case by case basis so that it represents a fair return within the local market in which the pub operates and does not over burden the land lords who operate in less populated areas.

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?

The 2015 Act established an Adjudicator to:

- i. provide advice and guidance to tenants and pub companies
- i. arbitrate in disputes in certain circumstances
- i. investigate and report on alleged breaches of the code
- i. make recommendations as a result of an investigation, including requiring publication of information and imposing financial penalties.

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.

As long as the companies deal in a fair and proper manor with the landlords they will have nothing to fear, if they don't then they know they will have to face a financial penalty.

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.

(a) The Scottish Pubs Code - including the Market Rent Only option - should apply to all tied pubs in Scotland

Please explain the reasons for your response.

If you go down the route of one rule for one and another for another all you do is make things unnecessarily complex and encourages companies to operate in a culture designed to bypass the regulations.

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.)?)

No Response

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

I don't see any increase in costs to larger companies due to the benefits they have through economy of scale. I do see a reduction in costs that could keep tied-pub tenants willing to continue within the industry.

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?

Through a small levy on the drinks industry.

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?

Neutral (neither positive nor negative)

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

I don't see any negative.

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 cost is covered by a levy, and the outcome is that tenants can continue to run the establishments while making a fair living I don't see a problems with sustainability.

Page 22: General

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

No Response