

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 am content for this response to be attributed to me or my organisation

Please provide your name or the name of your organisation

Sean Smith

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:

Too many Scottish pubs are closing due either to unfair and expensive deals with their tenants or customers are put off from going to the pub due to the limited choice in alcohol on sale or the expensive price of said alcohol. This is unlike pubs in England and Wales where pubs have more protective legislation.

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.

It is unable to be delivered another way as landlords will not be relenting. Strong legislation is needed to protect pubs and tenants.

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

Better choice for customers and better deals for tenants which they can use or change to suit their needs. This also means more pubs will stay open.

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

No Response

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

Much fairer and easier for tenants

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 Bill and Code are thorough and easy to amend should the need ever arise. It also clearly lays out the deal between landlords and tenants and what they are paying for.

The scope of the adjudicator's powers will clearly be helpful as they can guide and assist landlords, investigate breaches of the code, help sort out any differences between tenants and landlords and also make recommendations for what should happen next based on any investigations carried out by the adjudicator.

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 should be imposed on landlords for breaches of the code as this will be a big motive to

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?

ensure they do not breach the code again. This is because the main motive for landlords is making the most money possible.

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

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

Tenants will have a significant reduction in cost as they will be able to reduce their rent arrangements and can also get better deals or lower costs on their alcohol. This, in turn, will significantly reduce costs for tied - pub customers.

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?

Funded by landlords

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?

Slightly positive

Please explain the reasons for your response

Fewer costs on rent arrangements means pubs will be able to spend a greater amount of money catering for this with disabilities or other minorities. This could include disabled toilets and disabled access, gender neutral toilets, facilities for pregnant women or indeed space for people based on religion, gender or sexual orientation if need be.

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

This could be dealt with the legislation is looked at in the future or through the recommendations of the adjudicator.

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

This can be delivered sustainably as landlords are able to afford the cost of the bill. Social impacts will be positive as it will hopefully increase the likelihood of people going to their local pub whilst tenants can ensure the alcohol they sell has been produced and exported environmentally friendly and choose which alcohol to sell based on this (which they may not have been able to under tied - pub arrangements, for example, if the alcohol sold by their landlord's had not been produced in a way that is conducive to the environment).

Page 22: General

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

No Response