

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".)

Politician (MSP/MP/Peer/MEP/Councillor)

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

Name or Name of Organisation

Richard Leonard MSP

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:

The balance of power in the arrangement of tied pubs is inherently unfair, there is a severe imbalance in the bargaining power of the pub companies and renters that is exploitative and cannot be justified.

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.

There is currently scant incentive for pub companies to treat renters as equal partners in their business relationship. Only legislation can correct that to deliver a positive, balanced outcome that protects against exploitation.

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

The establishment of a code and adjudicator would bring the rights and protections enjoyed by tied pub tenants in the rest of the UK to those in Scotland.

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

n/a

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

This option would give tenants the flexibility to opt out of their obligations to buy certain products and would free them to pay the market rate for products like other publicans.

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 code in UK law levels the playing field between pub tenants and pub owning companies. Adopting a similar code would drastically reduce the exploitation of tenants in Scotland.

The proposed scope of the adjudicators powers are robust and proportionate to ensure that tenants are no longer exploited. I would support extending the adjudicators powers to allow for them to impose financial penalties for breaches of the code.

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.

The Adjudicator should be able to do more than reprimand pub companies who do not comply with the law.

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.

It's important that the law offers comprehensive protections so that no pub tenants are left behind.

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 16: 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

The overwhelmingly positive benefits for tenants and consumers outweigh the likelihood that regulation will cost companies more.

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?

By a levy on the large pub companies which will be affected by the Act.

Page 18: 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)

Please explain the reasons for your response

n/a

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

n/a

Page 20: 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

n/a

Page 21: General

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

I fully support this proposal and commend the work done by Neil Bibby MSP and the GMB Trade Union in putting it together.