

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

Mary Fee 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:

Currently in Scotland, 17% of pubs are tied pubs which creates an unbalanced relationship between landlords and tenants which can cause problems including an increased cost of products on sale and a higher level of rent than would be expected. For example, CAMRA, highlighted in their 2013 report that tied pubs can pay over 77% more for a key of Fosters for example. I believe this legislation would be help to re balance this relationship between landlords and tenants.

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.

I do not think the aims of this proposal could be delivered in a better way. Any voluntary guidelines would lack the weight of legislative enforcement and likely not result in significant change.

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

I believe that the Adjudicator would be a useful tool in providing support and guidance to both tenants and landlords and mediating any unresolved issues or disputes. With a Pubs Code and Pubs Code Adjudicator for tied pubs in England and Wales, it only seems right that tied pubs in Scotland are subject to the same protection and treatment.

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

Establishing a Scottish Pubs Code and Adjudicator does not appear to have any major disadvantages. A potential issue may be a the closure of some pubs as a result of this legislation due to breweries ending their tied status with certain pubs. However, it is very difficult to estimate the number of how many pubs this would impact, but I would suspect that it would be minimal.

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 Market Rent Option was introduced to the legislation at Westminster and it is important that tenants are given an opt-out of buying certain products from the owners and instead give the tenants the option of paying market value. I believe this is would be a useful and welcome inclusion within the bill and would help to support 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 contents of the Bill seem thorough and appropriate, although I do believe it would be worth considering the inclusion of the Market Rent Only option.

The powers of the Adjudicator as detailed seem sensible and fair. I think it is is good that the Adjudicator would have the ability to issue fines in cases it deemed necessary, as this gives added a strength and legitimacy to 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.

As previously stated, the ability of the Adjudicator to impose financial penalties for breaches of the code is useful, as it gives the Adjudicator added weight and legitimacy to carry out its remit. Furthermore, the threat of financial penalties will hopefully act as a deterrent to anyone considering breaching the Code.

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 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

I think that the implications of this Bill would be reduced cost fro tied-pubs tenants as they would not be subject to buying from the specific brewery which currently results in these pubs having to spend far more on beer per keg than they would in an open market. It would be hoped that the cost saved by pub tenants would then be passed on to customer, who would see a reduction in the price of their pint.

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?

I think that the associated costs of the proposal for the establishment and on-going running costs of a Scottish Pub Code Adjudicator should be funded by the Scottish Government as the costs would be relatively small. In England and Wales which has 13,000 pubs affected by the legislation, the cost was establishing was £540,000 with £1.6 million annual running costs. In Scotland, there are roughly only 950 pubs that will be impacted by the legislation so therefore, the one off establishment costs such for advertising, interviewing and appointing the Adjudicator and any required staff, accommodation requirements and IT costs, as well as the annual running costs would be far less than the seen in England and Wales.

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

The proposal seems to be about fairness, ensuring that tenants of tied pubs are not economically worse off than tenants of pubs which are not-tied. However, in relation to the protected characteristics outlined by the Equality Act 2010, the legislation appears to have a neutral impact.

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

Not applicable.

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

I believe that the proposed Bill would have a positive economic and social impact in the future for tenants of tied pubs, reducing their costs, helping to improve their general well-being.

Page 21: General

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

No Response