

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".)

Current or former pub tenants or workers

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 urgent action is required to end the blatantly unfair relationship between pubcos and their 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.

This needs legislation. A voluntary code leads to no improvement.

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

First of all a justness from what is effectively a feudal like system.
Additionally it would provide more security and in our case certainly create more jobs.

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

Without proper 'teeth' and scrutiny there is a danger rents will be raised to potentially untenable levels.

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

I currently pay 122 pounds for draught cider. The same distributor sells for 65 pounds. The list of such scandalous mark ups is endless. Additionally we are restricted in the actual products we can buy which in a fast moving market (craft beers, gin etc) places out business at a significant disadvantage. As long as rent reviews have independent adjudication , whilst I accept they will rise, they should do so to a reasonable level.

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 reasonable. My concern is that the Westminster bill only allows such reviews at rent review which is every 5 years. I think it important to be allowed this option as soon as the bill is passed.

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.

I imagine it will be ignored otherwise.

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

If we don't have to pay 90% mark ups, sadly no exaggeration, we would be able to pass these savings (assuming a not unreasonable rent increase) onto customers resulting in a busier pub. More jobs inevitably follow.

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 the government should find this. If the pubco is made to pay this will simply be passed on to the already struggling tenants and additionally will create further ill feeling from the pubco.

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)

Please explain the reasons for your response

Can't see what difference this would make.

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

Strict control and adjudication.

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

Pubs are generally struggling and I believe the tie to be the principal reason. Pubcos in my experience know very little about managing pubs. They are property portfolio managers. If pubs in Scotland could become more sustainable they will generate employment. Inevitably some will close but this is such a red herring. Pubs close because apart from the burdens outlined they are poorly managed. Crucially from an economic point of view money spent in pubs tends to circulate within the direct local economy unlike just about any other premise on the high street.

Page 22: General

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

The negativity towards this suggestion (solely I would say from the pubcos) stems from the realisation that their system is fundamentally flawed and unfair. They talk about economies of scale and then charge 50 to 90 percent more for their goods. They talk about job losses when decreasing prices leads to the exact opposite outcome. If I may finish with the following analogy. I feel like we're renting a house at a fair market value. Our landlord is getting the mortgage paid many times over but that's not an unreasonable situation. Now the landlord has informed us that we have to do all our shopping via them at a significant markup. If it sounds weird it's because it is.