

# 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

Please provide your name or the name of your organisation

Kevin Montgomery

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 market is broken in the pub business, leading to an imbalance in favour of the pub companies. This leaves the pub landlords and ultimately the consumer short-changed. There needs to be effective regulation which allows a rebalance of the relationship between pub companies and owners. This will allow pubs to compete on a more level playing field free from unfair restrictions and will ultimately massively benefit the consumer. It serves no-one (other than pub companies) to have a rigged market bereft of

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.

regulation. Scotland has a vibrant micro-brewing industry and this bill will allow that to be taken into pubs in a way that cannot be done under present system. The Proposed Tied Pubs (Scotland) Bill in my view will create a fairer, more vibrant marketplace for the licensed trade in Scotland

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.**

Without the regulation proposed in this Bill there would be no mechanism for rebalancing the sector in favour of publican and consumer

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 effective regulation to ensure the interests of consumers and licensed premises owners are met. This will ultimately protect jobs and the services pubs offer the general public

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

I don't think there would be any disadvantages

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**

It would allow tenants the freedom to choose how they run their business as they see fit, reacting to local demands and engendering creativity. It would expand consumer choice and create options for more vibrant licensed premises

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?

I believe this will offer a comprehensive and workable set of guidelines for the proposed adjudicator which will allow for effective management of the Bill. the proposed contents allow for flexible and effective regulation. This sets out clearly what would be required in the Tied Pub relationship and crucially gives independent arbitration and ultimately regulation in disputes

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.**

It is important to have ability to impose financial penalties for code breaches so as the regulation is meaningful and has correct impact. These penalties should be as a matter of last resort but handled correctly would be a significant tool at the disposal of the adjudication process

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 should apply to all tied pubs to create a level playing field. To apply it only to larger pubcos would leave a large gap in regulation and would ultimately decrease the effectiveness of the bill

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**

The pubcos would perhaps experience a small increase in cost as they would not have the captive market they currently enjoy. This would be a welcome development and would in fact allow the market to function correctly. Tied Pub tenants would be freed to make their own commercial decisions so would experience some reduction in cost. In some cases this will be significant reductions as they become freed from onerous costs and what is effectively a captive market. This will help consumers as their pub landlord is

Q10. 10. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

free to make better deals. these deals will often be with smaller companies. It will essentially allow a proper free market, freed from anticompetitive practices.

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 would favour a proportionate levy which would reflect the size and scale of each pub company

## 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**

No negative impact in my view

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 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**

The measures proposed in the Bill can be delivered sustainably. The Bill is a simple, yet important series of measures which will improve the licensed trade and offer greater choice for the consumer. It will rebalance the tied pub trade in a fair and consistent manner. In my view it will not require disproportionate resources or have disproportionate impact

## Page 22: General

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

A progressive and forward thinking bill which will allow the tied pub market place to operate on a level playing field, protecting jobs, services and offering consumers choice