

# Proposed Tied Pubs (Code and Adjudicator) (Scotland) Bill

## Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Representative organisation (trade union, professional association)

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

Pubs Advisory Service

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 pub owning companies have been found wanting by numerous select committees and investigations spanning over 10 years, they are unable to reform themselves and will not rebalance risk and reward for tenants.

Q2. 2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Yes (if so, you may wish to specify any possible alternative option(s))

**Please explain the reasons for your response.**

Yes, give everyone MRO by Deed of Variation on demand, this will cut through the red tape and its "self policing", if a tenant is being abused by their landlord they can take action and sever the relationship, if they happy with relationship and with that any "benefits" that come with being tied, they can stay tied.

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

if done correctly it will ensure tied tenants are no worse off than a free of tie tenant and that they are being treated fairly.

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

the loopholes that come with taking a balanced approach which undermine the Eng/Wales code and a biased adjudicator whom tenants have no faith in.

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**

tied tenants are operating at a distinct disadvantage, this has been proven many times before.

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?

not needed as the POB's will seek to water it down or circumnavigate it, just go for MRO on demand its self policing and cheaper all round. Let POB's sell the benefit of being tied, if the tenant is no good and makes the jump then they will fail in the free of tie sector, it is all very democratic and easy to manage.

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 ticked fully supportinve as our preferred option of MRO on demand may not be taken up by Scottish Govt so wish to retain this option.

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.**

the smaller companies have adopted and used the discredited agreements used by the larger companies - literally copied them word for word, some of the abuses carried out were worse under the smaller companies.

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 option of MRO on demand will cost littl to police and the tenants likewise, it will police itself and if anything tied tenants moving to FOT will reduce costs for Pub Company operations as they won't need to provide all the expensive "benefits" when tenants are FOT.

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?

see previous comments

## 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)

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

chose the business agenda, chose a simple effective remedy to the problem of tied pubs do not over complicate it or copy the Eng/Wales code or PCA.

## 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**  
see previous comments

## Page 22: General

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

that members of Scottish Parliament read the select committee reports and not ask tenants to pluck the "teeth from the dragon" for a second time