

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".)

Member of the Public

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:

The "biggest" Pubcos on the whole do not seem to care about the individuals running their pubs. Sometimes deposits are large, depending on the lease and perhaps spurious trading figures. Perhaps they feel that people wanting to "chase their dream" of running a pub, are those they feel they can hoodwink? Why should the Pubcos insist that they have control over suppliers and costs? Local brewers and

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suppliers are in effect marginalised. So many contracts are wrapped up in legalese that prospective tenants are not made fully aware of their liabilities. The English/Welsh code has many anomalies and apparently the adjudicator has said that the complaints about the Pubcos would not be fully published and kept confidentially.

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

No

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

Regulating the large Pubcos/Zombie Companies, who appear to want to make the biggest possible profit for themselves and don't care about encouraging local brewers

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

Not being able to ensure that the adjudicator was not biased. The present English/Welsh one has direct links to the Pubcos and perhaps subliminally feels an attachment to the previous status-quo?

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

There are too many differentials in the many leases which exist-having or not having to pay for dilapidations etc

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 proposed bill has to deal with the realities of rent fixing and the different types of leases

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 breaches should adhere to both parties

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

It all depends on how the Pubcos will be allowed to "produce" their accounts

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 the Pubcos

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

It depends on how people interpret the Bill or how important they feel it could be

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

Not sure

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?

Unsure

Please explain the reasons for your response

It depends on the vagaries of the present unsure potential financial difficulties and how willing or able the Scottish Parliament would be to take a stance against the Pubcos/Zombie Companies

Page 22: General

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

Please don't just rely on on-line questionnaires. Get involved with the people at the chalk face and via local councils send out info sheets. Local users of pubs need to be involved to explain their own feelings of "changing" times!