

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:

There has to be more fairness across the whole pub estate. too many large organisations are putting individuals or smaller businesses from developing larger customer portfolios and being more competitive with other businesses.

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.

Most large organisations only recognise a legal framework and are unlikely to apply a "code" if it was self regulating as it would harm their profits.

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

As previously stated it would allow a fairer playing field for individual pub tenants and those other small businesses. It would also provide a legal framework to ensure that any areas of concern are properly investigated and fair and just solutions arrived at.

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

There may be a backlash from the large organisations to circumvent any of the provisions and thereby rendering the bill useless. They may also diversify their business models to lie outside the terms of the bill. Individuals and small businesses may be reluctant to exercise their rights for fear of retribution in other ways.

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

This would ensure that tenants, both individual and small businesses, pay the market rent for any said premises and not one which is imposed on them by the large organisations based on predicted turnover which may never be attained.

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?

It appears to cover all the key elements and is drafted to align to that in the rest of the UK.

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.

Money talks!

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

The large organisations would probably have to bear some of the burden of implementing the changes but this should not be prohibitive. The tenants should see a slight reduction in costs as their purchasing power to be more competitive and hopefully allow them to offer more choice. I don't expect any of these savings will be passed on to the end user in any significant way, but they may have more choice and be exposed to special offers where tenants may wish to introduce new products or services.

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?

A difficult one given the size of the industry in Scotland as opposed to the rest of the UK. The fairest way would be to apply a proportionate levy on all those affected by the bill. There could also be a case by case cost paid by each party on submission of a claim. I agree with the content of the consultation document that the main adjudicator role need not be full time.

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

Don't see it making any significant difference in this area.

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

No comment to make.

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

if it is aligned with other legislation it should move with the times and take recognition of industry best practice.

Page 22: General

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

No