

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 proposed bill will stimulate the economy. It will offer pubs greater autonomy over products it is able to offer consumers, improving the customer experience and making local pubs a more attractive option to the

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.

public. It will also allow a greater market share for small Scottish producers, such as micro breweries, which will boost jobs and growth.

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.

Legislation is the only way to ensure a standard of protection for small business against big industry.

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

Legislation must have an enforcement mechanism. Establishing a statutory Scottish Pubs Code Adjudicator would ensure legislative measures are enforced and would give pub owners a place to seek advice, a forum to raise any concerns and a mechanism to resolve disputes.

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

The cost may be a consideration - however this consideration is counterbalanced - and in my opinion outweighed by the prospect job creation and stimulus to the hospitality industry.

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

The Tied Pub Tenant should be entitled to the right to ask the Pub Owning Business for an offer to go free of tie.

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 am supportive of the Bill and the Code, and agree with the proposed scope of the Adjudicator's powers.

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

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?

Please explain the reasons for your response.

The Adjudicator must have the mechanism to enforce decisions and to penalise breaches of the Code. Without these powers the Adjudicator would be toothless and the proposed legislation will not fulfil its function of protecting pub tenants.

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.

Option a is fair and will promote fair competition.

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

(a) Pubcos will probably incur extra cost in marketing, strategy and promotion in order to sustain sales of product (b) Tenants will see a reduced cost as they will not be forced to buy in stock they cannot move. The Bill would create an opportunity to attract new business and increase traffic, increasing profit (c) Customers may see a reduction in cost if pubs are able to offer a wider range of products.

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?

It should be funded by the Scottish Government.

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

The proposed Bill has no impact on equality.

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

There are no foreseeable negative impacts on equality

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 Bill is delivered sustainably in England without disproportionate impact on the economy, society or environment. There is no reason why the bill should not be equally sustainable in Scotland.

Page 22: General

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

I urge Members to support the proposed bill, to support the local pub industry and consider the positive impact of potential job creation, competition and consumer choice.