

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

Scottish Trades Union Congress

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:

I am writing in relation to your consultation 'A proposal for a Bill to establish a Pubs Code in Scotland to govern the relationship between tenants of tied pubs and their owners, and an Adjudicator to enforce the Code.' In April, STUC Congress unanimously passed policy (appendix A) fully supporting the case for legislation to bring Scotland in line with practice in England and Wales. We would describe the reasons for our support thus. • We represent unions with members in the brewing sector and they have clearly

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.

identified regulation as being in their best interests. • There is a wider interest in relation to improving consumer choice and driving a successful pub/brewing economy which is in the interests of our wider membership. • Voluntary self-regulation has not worked. I have read in detail the submission from GMB Scotland which looks in detail at the questions posed in your consultation and would wish to associate the STUC with the arguments made and to fully endorse its conclusions. APPENDIX A 16. TIED PUBS AND THE SCOTTISH BREWING INDUSTRY That this Congress notes that the provisions of the UK Pub Code Regulations 2016 and the powers of the Pub Code Adjudicator, which GMB was instrumental in campaigning for, do not apply to Scotland and, therefore, welcomes the campaign by GMB Scotland and the Scottish Licensed Trade Association, to secure overdue reform of the Scottish tied pubs market, whose current arrangements are iniquitous for many tied pub tenants in Scotland and disadvantageous for many smaller brewers, including Tennent Caledonian, who find their products locked out of tied pubs. Congress believes that the Scottish pub market should not be more vulnerable to the expanding tied pub model without the protection of a statutory pub code, or tenants having access to full market option, if they choose. Nor should smaller brewers be disadvantaged by a market model, which puts the interests of the big PubCos first, rather than the local brewing industry, which is an important part of Scotland's distinctive food and drink sector, in the case of Tennent Caledonian, employing more than 500 people in the east end of Glasgow and brewing some of Scotland's most popular pub brands. Congress, therefore, calls on the Scottish Government to stand up for Scottish tied pub tenants, workers in the Scottish brewing industry, including GMB members in Tennent Caledonian, and consumer choice, by supporting a statutory pubs code for Scotland as proposed by West of Scotland MSP, Neil Bibby's, Tied Pubs (Code and Adjudicator) (Scotland) Bill.

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

No Response

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

No Response

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

No Response

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?

No Response

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?

No Response

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?

No Response

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.

No Response

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:

No Response

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?

No Response

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?

No Response

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

No Response

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?

No Response

Page 22: General

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

No Response