

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".)

Please select the category which best describes your organisation

Commercial organisation (company, business)

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

WINTERSGILLS BAR

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 currently involved in the free trade sector and tied sector and have been for a number of years , therefore I have a good understanding of how they both operate. I totally agree with the aims of the Scottish Pubs Code & Adjudicator as it would give tenants the option of MRO which would give a huge number of pubs in Scotland the introduction into the open market for purchasing many products and would change the way premises operate and in turn would benefit the tenants in allowing them to make a much

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.

fairer income. It would also benefit the customer through choice and possibly price and could benefit some breweries they would all be competing in an open market.

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.

In my opinion the main aim should be that a free of tie customer should be no better off than a tied customer when it comes to buying their products. There may be some more finer detailed issues such as financing refurbishments for pubs , but I am sure this is where all other breweries could get involved.

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

To mainly make sure that all that is set out in the pubs code is adhered to.
Generally giving many tenants a better and more competitive chance . If this was achieved it would encourage more people to enter the tenanted industry.

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

the biggest disadvantage would be if the free of tie option was introduced and rent amounts from the brewers increased so much as that it wouldnt be worth the tenants while. Also if the option of going free of tie was too long away (end of a rent term which could be 10/15/20 years) , was too costly to apply (legal fees),
I think the tenant would also need to be protected as to being able to keep the pub on(providing they are paying their bills etc) if they do go free of tie in case the brewers give it to someone else or make it a managed house.
The relationship between brewery and tenant would be crucial.
I presently have a very good relationship with my brewery so would like to see that continue also with the MRO in place which I believe can work.

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

An open market would be created as mentioned before. The pub industry is changing so much and with the massive introduction of craft beers having choice is so important. There is still a huge choice with many brewery owned pubs, however the price they charge for certain products makes it almost impossible to stock in your premises.

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 contents are sufficient to implement most things.
there may, however be some challenges that could arise as it gets underway
ie financing refurbishments

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 am pretty sure this wouldnt happen fromm any of the big brewerys after a code has been established

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.

As mentioned it should be fair for every tenant in Scotland to buy their products from whoever they want. obviously this could change if the tenant agrees to getting a loan etc

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	

Q10. 10. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(c) Tied-pub customers				X		
-------------------------------	--	--	--	---	--	--

Please explain the reasons for your response

The brewers would have to compete more with each other. Is that a bad thing in this day in age ? Tenants would be able tom make a Fairer income, which is very important. this saving could be partly passed on to the tenant. ie freezing prices

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?

depending on the overall cost, then it would more than likely have tom be funded by the tanants. This would have to be a reasonable figure and not make the whole process too expensive

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?

Positive

Please explain the reasons for your response

when it comes down to equality I think this is important. Very few business models are treated in this way as it is not a franchise (however that option is there with some breweries).

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

by making sure as many groups are consulted , especially brewers and tenants.
by looking at the initial impact of the bill in England and learning from mistakes there.

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

as mentioned I believe it can be sustained, and any gaps that could appear can now be filled as it would now create an open market

Page 22: General

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

Time is a huge factor. The pub industry is changing that quickly (it is becoming harder and overheads are so big) that if tenants are to survive they have to be given a level playing ground to make their business the best it can be. I presently run a well established community bar, and have a good relationship with the brewery.

The turnover in my premises when I took it over in 2008 was £4500 per week. It now turns over around £11000 per week just in drink. in my opinion it is a good business , however making a high income from this is practically impossible , which is where, in my opinion my dry & wet rent together (around £90,000) is unfair.

If a pubs code can be implemented soon then many will earn a fair income from this