

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

The Scottish Co-operative Party

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:

We are fully supportive of the proposal to establish a statutory Scottish Pubs Code and Scottish Pubs Adjudicator. We believe that tied pubs do not operate in the interest of the tenant or of the consumer. We believe that tenants in tied pubs are poorly treated and that they deserve to be treated in the same way as tied pub tenants in England and Wales.

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.

The aims of the proposal could not be dealt with in another way. We believe that the evidence available demonstrates the need for legislation and that legislation from the Scottish Parliament would be able to make a difference on this issue.

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

The main advantages of establishing a statutory Scottish Pubs Code and Adjudicator are that by being on a statutory basis everyone would know where they stood. Voluntary codes of conduct are fine in some instances but in this instance, we believe that the evidence presented in the consultation document and in the experience of England and Wales points to the need for a statutory framework to back up the actions being taken.

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

We cannot see any disadvantages, other than a small element of cost.

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

We are fully supportive of establishing a Market Rent Only option for tenants as part of a Scottish Pubs Code. We believe that choice in the range of products available in a pub is important to the consumer and we believe that tied pub tenants should have the right to provide the range of drinks that their customers ask for rather than being restricted in what they can purchase by the tied tenancy agreement.

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?

We think that the proposed contents of the Bill and the Code as well as the Adjudicator's powers are a fair reflection of what is required. We are particularly supportive of the underpinning principles proposed for the Bill, which we believe sum up the areas which should be legislated on.

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.

We are fully supportive of the Scottish Pubs Code Adjudicator being able to impose financial penalties for

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?

breaches of the code. The code and the adjudicator will only work if they have some sanction over those who break the code, we believe that the most appropriate sanction is financial.

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.

We believe that the Scottish Pubs Code and the Market Rent Only option should apply to all tied pubs in Scotland. We believe that there needs to be a level playing field and that all tied pubs should be treated in the same way. We recognise that this might cause problems for smaller companies but we are also wary of allowing companies to set up legal structures which might allow them to escape the scope of the legislation.

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) Although we do not feel fully qualified to comment on the financial implications of the proposals we would anticipate some increase in cost for pub companies which own tied pubs. We would expect most, if not all, of the burden of paying for the bodies set out in the proposal to fall to the pubcos. (b) Further to our answer to question 10(a) we believe that the cost to tied-pub tenants would be broadly cost-neutral, they may see an increase in their costs for rent but they should be able to supply drinks and other products at cheaper prices. (c) Further to our answer to question 10(a) we believe that for tied-pub customers costs should at least remain the same if not lead to some reduction in costs. This is because the publican should

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

be able to source products from a wider range of sources and should be able to pass on savings to the customer.

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?

We think that the associated costs of the proposal should be met by a levy on Pubcos. We believe that this is the fairest way to pay for the regulation in the pub industry and that the costs of these proposals should be self-funding.

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)

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?

Yes

Page 22: General

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

As we have said we welcome these proposals and the opportunity to comment upon them and we hope that changes will come about as a result of these proposals.

We believe that there is more scope for change in the pub sector. We are the champions of the consumer and we would want to make sure that consumer rights are promoted in the pub sector. We also recognise that recent years have been difficult for the licensed trade. We note that there are a number of community

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

mutually owned co-operative pubs in England and that this has been achieved through support, in part, from the UK Government and the Plunkett Foundation. We recognise the important community role which pubs play across Scotland both in rural and urban locations. We also recognise that there have been a number of instances where the last pub in the village or housing estate has closed and believe that overall this is bad for the community. We want to work with MSPs and with the Scottish Government to look at ways of supporting community ownership of pubs across Scotland.