

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".)

Current or former pub tenants or workers

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 am content for this response to be attributed to me or my organisation

Please provide your name or the name of your organisation

Ronnie Saez, Tenant of the Abbey 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:

The current tied arrangements are grossly unfair the relationship us 100% weighted against the tenants. It is anti competitive and is endangering the viability of many Scottish small pubs.

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 Pubco sector have made every effort to nullify the effects of the Westminster Legislation as they are totally against any initiative to weaken their position.

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

Legislative backing is necessary to address the intransigent attitudes of the Pubcos but the legislation needs to be stronger than the Westminster Bill.

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

The creation of an 'honest broker' to address disputes between tenants and pubco is completely necessary I see no disadvantage for the tenants or pubcos.

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 pricing of products under the present tied arrangements are grossly uncompetitive, which is endangering the viability of many Scottish pubs and leading to a decrease in the number and quality of jobs in the sector.

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?

Fully supportive

Please explain the reasons for your response.

The legislation has to have real sanctions for those Pubcos who refuse to comply.

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.

I chose option A as the product tie is wrong and indefensible in its nature. The price for occupation of the premises should be restricted to the lease rental and not hidden in the 'wet rent'.

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) None of the above but potential decreases in income as they would have to decrease product prices to remain competitive under MRO arrangements. (b) The tenant would be able to purchase product at more competitive prices under MRO.

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?

By Scottish Government as pubs already pay grossly. unfair levels/business rates, some of this money could be diverted to fund 'the initiative'.

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

Please explain the reasons for your response

The initiative would be beneficial in economic terms by diverting income from many large multi national businesses to Scottish small businesses, thus enabling greater business investment in the sector, and potentially protecting the livelihoods of employees.

Page 22: General

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

Yes. The proposal to provide the same level of protection is insufficient, as this legislation has been shown to be inadequate in terms of protecting tenants interests. So stronger legislation is required in Scotland. I am happy to elaborate on my responses to the consultation.