

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

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

Harvie's 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:

Not all pubcos or pub landlords have a code of practice and those that do effectively do their own regulating. This is not possible to do effectively and as a result tenants continue to be treated unfairly in many cases with no recourse opportunities. Industry regulation, tenant rights, transparency even balance of power. Barriers to trade lifted. Increased competitions in market place. Impartial support. Advice for

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.

perceived breaches. For many years and decades pubcos have operated largely unregulated. Many of their business processes remain a mystery i.e. how rent is actually calculated!

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.

Required to ensure fairness, consistency, protection, transparency and protection of tenants rights.

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

Instill a feeling of security, open relationships, greater rights, security and robust arbitration service.

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?

Fully supportive

Please explain the reasons for your response

Landlords are landlords be it corner shop, cafe or pub. They are merely renting out of a vacant space the rent should be reflective of the market, the tenants are responsible for furnishing the premises and currently most of the repairs and paying inflated rent and beer prices. Industry in Scotland is operating an archaic model that does not reflect or support trading in current landscape. Tenants are currently at a competitive disadvantage. Restrictive trading results.

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 scope must also cover repairs. Tenants are currently basically maintaining pubco estate! Material repairs should be pub owner/landlord responsibility they are getting away with murder currently.

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.

Landlords ie pubco's must be held accountable for their actions and pay the price for breaches. Regulation of this industry has been lacking for a long time and the power of balance etc must be more equitable.

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

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) Should be reduction if most people are asked ie Pubco's. But in reality it will be hard to predict, pubco's may make tenants responsible for more repairs if they are not allowed, tricky. Pubco income and profits will be their priority now to offer MRO and their approach to this. (b) As above, have to see what the strategy of pubco's will be to recoup their reduction of income if tenants buy stock elsewhere. The cost could be less properties available if pubcos move towards managed pubs rather than leased or they could see and benefit from a real reduction in costs if they are free to buy beer on a free trade/fair market place and their rent is a true market price. Much remains to be seen as consultation progresses and outcomes emerge pubcos have been very coy in their responses to this process so far. (c) Seldom can publicans pass on any cost benefits they receive as they reinvest etc. It would be poor press if the pubco's passed costs onto tenant and ultimately customers. The customers should always benefit through additional services more comfortable, safer environments rather than reduced prices. Higher or realistic pricing

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

ensures licensing law, tenants are achieved and maintained. As before pubcos loan money for project fixtures and fittings you were to work it out the increase in rent to recoup this wouldn't be acceptable in the high street.

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?

Once again open to discussion and multi faceted it must be similar to how ACAS works i.e, no barrier to using the service obvious expense in establishing and receiving Government assistance grants? Industry funding apply to Ofvcome for EG. AID.

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?

Slightly positive

Please explain the reasons for your response

I don't see why it should have any negative impact if anything it is an opportunity for inclusion policies to be introduced. To ensure equality and diversity within the profession in Scotland. Although care must be taken to ensure the codes are realistic and not open to false claims i.e. robust positive discrimination.

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

Through discussion, information, communication, industry forums

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?

Unsure

Please explain the reasons for your response

Once again no simple answer, multi faceted approach required. Support must come from many groups/individuals involved. Industry facing ongoing change last decade, in order to ensure industry/pubco model changes are inevitable, what form they take is dependant on pubco recognising and accepting this and co-operating with others to ensure the future of Scottish pubs and bars.

Page 22: General

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

The disproportionate power that the pubcos and others who rent out their properties have to realise that they cannot continue milking tenants and applying outdated business models to profiteer! Its profits will be affected but in the longer term through increased investment, regulation and monitoring the pub industry may be allowed to flourish and remain world famous for the right reasons.