

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".)

Academic with expertise in a relevant subject

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 would like this response to be anonymous (the response may be published, but no name)

Please provide your name or the name of your organisation

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 have two tied pubs in Edinburgh and believe regardless of which side of the argument you sit not being given the choice as to whether or not you would like a Market Rent Only Option is quite simply not fair. Aside from the obvious financial disadvantages of being tied the beer market in Scotland is booming with new craft breweries popping up. Our consumers want to see these products in the bars however

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.

being tied means we do not have access to them if our pub co does not list them. This is grossly unfair and seriously disadvantages our business as our free of tie competitors can respond to consumer needs faster than us giving their business an unfair advantage over us. Being tied is like running your business with one hand tied behind your back.

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.

I believe parliament is the only way to address this issue.

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

Many business owners would see their businesses flourish they would be free to negotiate their own drinks deals and list products that they believe suit their customer bases rather than listing whatever their pub co sells.

Consumers would benefit as they would see a rise in new and exciting brands in their local which can only be good.

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

None

If people still want to be ties then they can choose to be begging the question why so much resistance to changing for the better.

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

Not being given the choice is seriously damaging businesses as beer trends change therefore it is time to put an end to the tie.

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?

Supportive

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.

As per many contracts if they are broken there are penalties.

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

Pub Co's would lose some profit I would imagine but this is nothing compared to the business owners who struggle to get by because of the tie. Tied-pub tenants would see a reduction in cost unless the rent goes up to completely offset the loss in trade for the Pub Co's. Price of pint goes down as tenants can buy direct and negotiate their beer deals and pass this on to the consumer.

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 the persons and or companies that actually own the pub buildings.

Tenants should not have to pay these costs.

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

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?

Realistically if the MRO does not go through businesses will close due to the minimum wage increasing year on year, business rates going up as it becoming a very poor trade to be involved in if you want to sustain a decent living.

The tie has to go, the more freehold bars or smaller innovative bar operators running pubs without restrictions the better.