

1. Which of the following best expresses your view of establishing a statutory Scottish Pubs Code and Scottish Pubs Code Adjudicator?

Fully supportive.

Over many years the GMB trade union and the Campaign for Real Ale (CAMRA) has highlighted the exploitative nature of the relationship between license holders and pubcos. Forcing tied-pubs to buy products from landlords, often at prices up to 50% above the open market rate, means that many tenants have found themselves in financial difficulty. Two thirds of respondents to a 2014 survey of tied-pub tenants commissioned by CAMRA earned less than £15,000 a year and 10 per cent earned less than £10,000. Research has also shown that two pubs close every week in Scotland. With small businesses already facing a number of challenges in the current environment, including business rate increases, tied-pub tenants are trapped into unfair contracts with expensive suppliers with little ability to invest in their business.

2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

No. It is very unlikely that the pubcos would ever agree to changing the model of the business voluntarily.

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

It would bring the regulatory environment into line with the rest of the UK following Westminster's introduction of a Code and Adjudicator in the Small Business, Enterprise and Employment Act 2015.

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

None

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

This option would give tenants more freedom to choose suppliers with competitive rates thus making the business more sustainable and improving choice for consumers.

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?

I am satisfied that the proposed bill would result in a statutory code and an independent adjudicator with robust powers to ensure that the relationship between tenants and pubcos is fair.

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

If the Adjudicator cannot levy fines it will be ineffective and be seen as having no real power.

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?

a) The Scottish Pubs Code - including the Market Rent Only option - should apply to all tied pubs in Scotland

Every tied-pub tenant should have the same rights and enjoy equal access to the protections ensured by the legislation.

9. If you answered "b" or "c" how should larger pubcos be defined (e.g. by size of turnover, number of tied pubs owned in Scotland (if so, how many), etc.)?

N/A

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

(a) The pub companies which own tied pubs (Pubcos)

Some increase in cost

(b) Tied-pub tenants

Significant reduction in cost

(c) Tied-pub customers

Some reduction in cost

11. How do you think the associated costs of the proposal (predominantly the establishment and on-going running costs of a Scottish Pubs Code Adjudicator) should be funded?

The Adjudicator should be funded by the Scottish Government to ensure its independence and avoid any possible conflict of interest.

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

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

N/A

14. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes