



# Pubs Code Adjudicator

Office of the Pubs Code Adjudicator  
Lower Ground  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ

Email: [office@pubscodeadjudicator.gov.uk](mailto:office@pubscodeadjudicator.gov.uk)

26 March 2019

## Sent via email only

Dear xxxxxx,

Thank you for your email, received on xxxxxx 2019, in which you requested information from the office of the Pubs Code Adjudicator (PCA) under the Freedom of Information Act 2000.

The Freedom of Information Act 2000 entitles you to:

- know whether the information you have requested is held by the PCA; and
- be provided with that information, subject to any exemptions in the Freedom of Information Act 2000 which may apply.

You have requested the following information:

1. *Current PCA case load waiting 12 months or more for a decision*
2. *Current PCA case load waiting 18 months or more for a decision*
3. *Current PCA case load waiting 2 years or more for a decision*
4. *How long the oldest case on the PCA case load has been waiting for a decision*

I apologise for responding a day outside of the statutory response period. This was due to an administrative error which meant the office was not in a position to respond before today.

We confirm that the office of the PCA holds information relating to your request. We have taken into account information at the date of your request and the latest information in responding.

Your request in relation to questions 1-3 above has been interpreted to refer to arbitration cases where either the PCA or DPCA is acting as arbitrator, and where waiting means that there is no further action required or sought from the parties in advance of the arbitrator making a final decision on the issues in the case and a final award determining those issues is awaited from the arbitrator.

In relation to requests 1-3, as at the date of your request there was one case, where the PCA is arbitrator, waiting 12 months or more for a decision. There were no cases waiting 18 months or more or two years or more. Currently there are now no cases waiting longer than 12 months for a decision.



## Pubs Code Adjudicator

In relation to question 4, using the above interpretation of 'waiting', we have interpreted your request as being the time that the case waiting the longest for a decision has been waiting. As at the date of your request this related to a case where the PCA is arbitrator and was 14 months. Currently this period is between 4 and 5 months and relates to a case where the PCA is arbitrator.

It may assist to put the arbitration cases into context. Whether a decision is required from the arbitrator at any given time will be a judgement in each case which will vary from case to case and from time to time, dependent on where the case is in the process, the numbers of issues in dispute, the need or request for expert or other evidence by the arbitrator or the parties, and the approach the parties take during the procedure.

There is no set time that a case will take though the arbitrator is under a duty to ensure appropriate processes are adopted for the fair determination of the case and avoiding unnecessary delay and expense and that the parties follow those expeditiously. The time taken to complete an arbitration is dependent on one or more of a number of different reasons. Cases can often be stayed for a period of time or deadlines extended at the request of the parties involved in order to address particular matters. Some issues may be resolved or determined at different stages. No case is closed until all matters, including costs in the case have been settled or determined.

You may be aware that the PCA does publish information relating to arbitration cases, including:

- number of enquiries
- number of referrals and, of these, MRO accepted cases (including by pub-owning business)
- number of awards issued
- current PCA arbitration caseload
- most frequent types of Pubs Code referrals

Your request appears to misunderstand the published statistics. For the reasons set out above the statistics do not represent the time in which a case is waiting for decision. The published statistics identify the length of time a case has been open.

The most recent published information available is on the PCA website which can be found at <https://www.gov.uk/government/publications/pca-arbitration-data-october-december-2018>

If you do not believe that the office of the PCA has provided an appropriate response to your request, as set out above, you are entitled to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be made in writing, quoting the above reference, to [office@pubscodeadjudicator.gov.uk](mailto:office@pubscodeadjudicator.gov.uk) or:

PCA  
Lower Ground  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ



## Pubs Code Adjudicator

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Stephen Childerstone  
**Office of the Pubs Code Adjudicator**