



Pubs Code
Adjudicator

Office of the
Pubs Code Adjudicator
Victoria Square House
81 New Street
Birmingham
B2 4AJ
Email: office@pca.gsi.gov.uk

25 April 2017

Dear XXX

Re: XXX

XXX

We understand your request to be as follows:

“With reference to the above case [XXX] now described as settled can you please confirm that this case is in fact one of the 5 cases mentioned in the article in the Publicans Morning Advertiser
<http://www.morningadvertiser.co.uk/Legal/Legislation/Paul-Newby-makes-first-judgments-as-pubs-codes-adjudicator>”

The Act 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 Act which may apply

In this case I can confirm that we do hold information relevant to your request. However the information is exempt pursuant to section 41 of the Act (information obtained by a public authority from any other person, the disclosure of which would constitute a breach of confidence actionable by that or any other person).

In this case, the information you have requested relates to the arbitration proceedings of a specific case concerning a Pubs Code dispute and over which the PCA is acting as arbitrator. Arbitration proceedings are confidential as between the parties to the case. The information about the particular case is held by the PCA only by virtue of being provided with information relating to it by the parties to the arbitration in the PCA's capacity as arbitrator in the case.



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To disclose whether or not a particular case forms one of the first five cases in which the PCA has issued settlement awards is information which identifies whether or not a particular case involving particular parties has been completed, and if so the terms on which the proceedings have come to an end (i.e. settlement). This is disclosure which would constitute a breach of confidence. The confidentiality of arbitration proceedings is recognised by the court. It is considered that an action for breach of confidence would be likely to succeed and that the limited grounds recognised by the court for breach of confidence in respect of arbitration proceedings are not met in this case.

More broadly, it is important that the PCA upholds the confidentiality of arbitration proceedings, to ensure that tied tenants and pub-owning businesses can refer Pubs Code disputes to the PCA and that such cases will be arbitrated in accordance with the law.

If you are not content with the response, 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@pca.gsi.gov.uk or

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

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

Kathy Lee-Cole

Head of Policy & Operations

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