



# Pubs Code Adjudicator

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

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

14 September 2017

Dear XXX

Thank you for your email, received on 1 September 2017, 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:

*I am writing to request, under the Freedom of Information Act, that you provide me with the number of reports of "unfair business practices", as defined by Section 71A of the Small Business, Enterprise and Employment Act 2015, that the Pubs Code Adjudicator has made to the Secretary of State since the Pubs Code came into force on 21 July 2016.*

Since the Pubs Code came into force on 21 July 2016 up to and including 1 September 2017, the date your request was received, the PCA has made no reports of unfair business practice to the Secretary of State for Business, Energy and Industrial Strategy under section 71A of the Small Business, Enterprise and Employment Act 2015 (the Act).

It may be helpful to note that all the elements of unfair business practice, set out under section 71A(4)(a) and (b) of the Act, must be met before the PCA is able to make a report to the Secretary of State. Any report made must also include recommendations as to actions to be taken to prevent pub-owning businesses from engaging in the business practices reported on and how to provide redress for tied pub tenants affected by those practices.

We understand that your request relates to a verification exercise commissioned by the PCA to look into the accessibility of the Market Rent Only (MRO) option for tied pub tenants, following concerns expressed by tenants about their experiences of taking up new rights under the Pubs Code. The exercise has provided evidence of a number of issues that tied pub tenants say are creating barriers to them accessing their MRO rights. In response to this evidence, the PCA has taken the following actions, as outlined in the PCA August Bulletin:



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1. The PCA has issued a series of statements on what is and what is not acceptable practice around MRO negotiations, and explaining how he will approach arbitrations so as to reduce the number of disputes referred to him.
2. The PCA has asked pub-owning businesses regulated under the Code to provide further, detailed information about their processes and practices, and will discuss the responses with them.

The findings from the verification exercise and the PCA August Bulletin are published on the PCA website ([www.gov.uk/pca](http://www.gov.uk/pca))

It is too early to say what the next steps will be but the PCA is prepared to take further regulatory action if necessary.

I trust that this additional information is helpful in providing context around your request.

If you are not content with this 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](mailto:office@pca.gsi.gov.uk) or:

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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.