



Tools and Templates

The Pubs Code gives new rights to Tied Pub Tenants. However the law is detailed and technical. From the beginning the PCA has worked to provide information to tenants and others in a clear Plain English format and support through the Enquiry Line.

We have now developed further documents including two new Factsheets and a series of flowcharts that are designed to help guide tenants and their representatives through different Code processes. The flowcharts should be read alongside the relevant Factsheets.

In addition we have updated information on Independent Assessors as well as Factsheet 4. This Factsheet now includes a Market Rent Only Notice template.

The following new and updated documents can be found on the PCA website (www.gov.uk/pca):

- ❖ **Amended Factsheet 4: MRO Notice.** This Factsheet includes a [MRO Notice template](#) which tied pub tenants may find helpful to use to ensure the right level of information is provided when requesting a MRO option
- ❖ **New [Factsheet 13: Independent Assessors](#).** This Factsheet explains the process for determining the market rent in connection with a MRO proposal - this includes a flowchart giving an overview of the IA process
- ❖ **New [Factsheet 14: Arbitrations](#).** This Factsheet provides an overview of the process
- ❖ **[Flowchart](#):** An overview of the MRO process and timeline
- ❖ **[Flowchart](#):** MRO Event, MRO Notice, and Full Response
- ❖ **[Table](#):** Key events that end a MRO procedure



Stocking requirements

The PCA has received many requests for clarification about the operation of stocking requirements in a MRO tenancy. We have published an [advice note on stocking requirements](#) and in particular whether stocking requirements may be considered unreasonable in a MRO-compliant proposal. Whether a stocking requirement is unreasonable will be considered by the PCA in the light of all relevant factors.

Key points from the advice note are:

- ❖ If a brewing Pub-owning Business (POB) includes a stocking requirement in a Market Rent Only (MRO) proposal (a free of tie proposal) it does not automatically make that tenancy/licence tied (although other terms of the tenancy/licence may make it tied)
- ❖ Where a brewing POB offers a tied pub tenant (TPT) a MRO tenancy/licence which includes a stocking requirement, that requirement must be MRO-compliant
- ❖ A TPT or POB can refer a dispute about whether a term is MRO-compliant to the PCA
- ❖ Where a tenancy/licence includes a stocking requirement, it could be considered unreasonable in the particular circumstances of the case. In deciding such matters the PCA will have regard to all relevant factors
- ❖ A stocking requirement that places restrictions on the sale of other beers and ciders not produced by a brewing POB may raise competition law issues. The PCA does not have power to decide whether a term is in breach of competition law.

Information from the PCA

The PCA can provide information about your new rights, the Code and its processes, but cannot advise tenants about their individual circumstances. Tenants may want to seek independent professional advice about their cases. Some trade bodies offer initial advice at no cost, whether a tenant is a member or not.

Paul Newby, the Pubs Code Adjudicator wants to know about potential breaches of the Code and any information provided will be dealt with in confidence.

For more information go to: www.gov.uk/pca or call the Enquiry Line on 0800 528 8080.

