



## **The Pubs Code Adjudicator and Tenant Representatives meeting 11 January 2018**

### **Attendees**

Paul Newby - PCA  
Kathy Lee-Cole – PC  
Mary Smeeth – PCA  
Laura Campbell – PCA (notes)  
Mike Clist – BII  
Kate Nicholls – ALMR  
Martin Caffrey – FLVA

### **Key Decisions and Actions**

#### **1. TRG/CCO Recommendation Group (action from previous meeting)**

**Action:** The PCA to consider the Recommendation Group's recommendations on Schedule 1 and 2 matters.

#### **2. PCA arbitrations**

TRG members sought an update on the publication of PCA arbitration decisions. The PCA intends to publish principles from arbitrations, alongside other advice and guidance already published, to support understanding and operation of the Code. Further advice will be available shortly.

The PCA has been notified of an appeal against an arbitration award and has applied to become a party to those proceedings. Decisions in other arbitrations continue to be made.

The meeting noted the importance of reiterating previous advice and guidance issued to the industry.

The PCA informed the meeting of changes to its arbitration processes including a new case management system. The PCA advised that a key strategic objective at present is proactive case management and arbitration decisions. As part of proactive case management, this includes considering what, if any, alternative dispute resolution options the parties might consent to use in any given case.

#### **3. Regulatory Compliance Handbook**

TRG members provided feedback on the drafting style of the Handbook published in December 2017 and the accompanying press release, which they considered raised the expectation of the Handbook.

**Action:** TRG members to provide the PCA with more detailed feedback from tied tenants on the Handbook.

#### **4. PCA staff appointments**

The PCA informed the meeting of new staff appointments within the organisation.

#### **5. Tenant survey**

The PCA reported that carrying out of the survey had gone well. Levels of engagement had been good, particularly with the qualitative in-depth interviews. The final report is due from GfK in February.

**Action:** The PCA to share key findings from the final report, once available. TRG members to circulate key findings with their members.

#### **6. TRG feedback**

**RAPs** – TRG members reported that pub-owning businesses are delaying responding to TPT requests for comparable rent information within the necessary timescales and that there appears to be a lack of consistency as to whether comparable rent information is confidential.

**PIRRS** – MC confirmed that there had been no PIRRS referrals alongside PCA arbitration referrals to date.

**Action:** PCA to consider the use of PIRRS to settle tied rents without bringing to an end the MRO process.

**PCA Enquiry Line** – the meeting discussed the identification of issues raised by TPTs which may fall under the ‘fair and lawful’ principle of the Code, rather than being specific arbitration referrals, where it is not clear in initial discussions with tenants.

**Action:** The PCA to consider the Enquiry Line’s approach to identifying issues which may fall under the ‘fair and lawful’ principle, where this is not clear in initial discussions with tenants.

**PGB** – PGB’s survey is now complete and findings will be shared with the PCA once available.

**Action:** MC to share PGB survey findings with the PCA once available.

#### **7. AOB**

**Heineken takeover of part of Punch Taverns’ estate** – PN confirmed that a change in ownership was not itself a MRO trigger event but that the PCA would consider referrals on a case by case basis as individual circumstances may trigger an MRO event.

**Ei Live roadshows** – The PCA will attend these roadshows as an independent exhibitor. This is an opportunity for the office of the PCA to meet new and existing tenants to raise awareness of the Pubs Code and the role of the PCA. The PCA has also requested exhibition space at any similar roadshows or other events hosted by other POBs.

**ALMR Tenant Group** – KN agreed that this would be a good forum for PN to meet tenants once the PCA has published principles from arbitrations.

**2018 meeting dates** – the PCA will circulate 2018 dates.