



Pubs Code Adjudicator

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

19 June 2018

Dear XXX

Thank you for your email, received on 22 May 2018, 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. *Number of unfair business practices that have been reported to PCA*
2. *The total yearly budget allocated by the PCA for investigations*
3. *Number of investigations undertaken by PCA between July 2016 April 2018*
4. *Amount of investigation budget remaining or unspent for the same period*
5. *The total yearly budget allocated by the PCA for appeals*
6. *Number of appeals undertaken by PCA between July 2016 April 2018*
7. *Amount of appeals budget remaining or unspent for the same period*

In response to your first request, since the Pubs Code came into force on 21 July 2016 up to and including 22 May 2018, the date your request was received, the PCA has not seen sufficient evidence of unfair business practice to make a report to the Secretary of State within the meaning of section 71A of the Small Business, Enterprise and Employment Act 2015 (the 2015 Act).

It may be helpful to note that all the elements of unfair business practice, contained in section 71A(4)(a) and (b) of the 2015 Act, must be met for the matter to constitute an unfair business practice.

In response to requests 2 - 4, the PCA is funded by a levy paid for by those who the PCA regulates, in accordance with section 63(1) of the 2015 Act. Before imposing a levy, the PCA must obtain the Secretary of State's consent. The levy is set for each financial year. The levy calculation for 2018/19 is based on analysis of projected costs from 1 April 2018 to 31 March 2019, and considers all PCA functions and operations including, but not specifically ring fenced for, potential investigatory activity. In 2018/19 consent was granted for a combined contribution to the levy for investigations and legal costs of £665,000.



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The PCA allocates sufficient funding to enable it to perform its regulatory functions but this does not mean that the funding will necessarily be utilised. Expenditure of allocated funding will depend on the exact nature of PCA activities during the financial year.

Any deferred income (underspend) at the end of each financial year is returned to the pub-owning businesses in accordance with the levy apportionment methodology, which is published annually on the PCA website.

The PCA has not conducted any formal investigations pursuant to section 53 of the 2015 Act. The PCA's investigation and enforcement statutory guidance (November 2016), published at www.gov.uk/pca, provides the criteria against which a decision to commence an investigation is to be taken, and the approach to the investigation process and enforcement options.

In response to requests 5 - 7, we have interpreted your request in relation to appeals to the mean appeals against decisions of the arbitrator in Pubs Code arbitrations. Information relating to these requests is not held as the PCA does not have a budget for appeals and does not itself undertake appeals. Appeals against decisions of the arbitrator are between the parties to the arbitration. The arbitrator is not an automatic party to any such appeal. Matters relating to any arbitration appeal is for the High Court.

If you do not believe that the office of the PCA has responded to your request, 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 or:

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If you consider that the office of the PCA has not provided an appropriate response to your request for an 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.