



Pubs Code Adjudicator

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

20 July 2018

Dear XXXX

Thank you for your emails, received on 20 June and 24 June 2018, requesting an internal review of the [Pubs Code Adjudicator's \(PCA's\) response](#) to your request of 22 May 2018 made under the Freedom of Information Act 2000 (the Act). As Head of Operations at the PCA, I have conducted this internal review.

You requested an internal review in respect of two aspects of your original request, namely: *how many unfair business practices (UBP) have been reported to you (the PCA); and, how much money was allocated for investigations since the office was set up in 2016 and or how much was left over or returned to POBs,*

In response to your first question, we interpreted it to mean how many reports had the PCA made to the Secretary of State since an unfair business practice only arises if the PCA considers that all the elements in s 71A of the Small Business, Enterprise and Employment Act 2015 are met. Again, I can confirm that the PCA has made no reports to the Secretary of State in respect of an unfair business practice.

For your information, the PCA receives correspondence from tenants and representatives alike, some of which may refer to unfair business practice. The PCA considers information it receives as to whether it is a matter that falls within the Code to be managed with the PCA's powers, or whether it falls outside the Code and may amount to an unfair business practice. An unfair business practice is separate, and mutually exclusive from, a breach of the Pubs Code. Whether someone mentions unfair business practice or not, is not determinative of whether the circumstances referred amount to an unfair business practice.

Your second question related to the yearly budget set aside for investigations. The information provided was for the year 2018/2019. You have now clarified that you sought information relating to allocation since set up of the PCA. I can confirm that in 2016/17 no funds were set aside specifically for investigations. In 2017/18, £300,000 of levy monies was allocated for investigations. In 2018/19, £665,000 has been allocated for investigations and legal costs. Any levy funds which are unused are refunded to the pub-owning businesses at the end of each financial year and as, as stated in the PCA's response to you dated 19 June 2018, the PCA has not conducted any investigations so monies unspent in 2017/2018 have been returned to the levy payers.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can



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be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.