



Pubs Code Adjudicator

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

5 September 2018

Dear XXX

Thank you for your email, received on 8 August 2018, in which you requested information from the office of the Pubs Code Adjudicator (PCA) under the Freedom of Information Act 2000 (the Act).

The Act 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 Act which may apply.

You requested the following information:

- 1. The number of cases accepted for arbitration, where the full costs possible (£2,000) have been awarded against the tenant.*
- 2. The number of cases accepted for arbitration, where costs of above £2,000 have been awarded against the tenant due to the claim being found to be vexatious.*
- 3. The number of cases accepted for arbitration where costs have only been awarded in favour of the pub operating business.*
- 4. The number of cases accepted for arbitration where costs have only been awarded in favour of the tied pub tenant.*
- 5. The number of cases accepted for arbitration where the majority of costs have been awarded in favour of the pub operating business.*
- 6. The number of cases accepted for arbitration where the majority of costs have been awarded in favour of the tied pub tenant.*
- 7. The number of cases accepted for arbitration where the parties have settled the case before a costs award has been made.*

The PCA sought clarity on the following aspects of your request on 14 August 2018, which was received on 15 August 2018:



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- that your request referred to recoverable party costs rather than costs of the arbitrator
- that 'majority' in questions 5 and 6 referred to greater than 50%
- that your request related to closed cases only.

We have interpreted your request as information relating to information contained in any arbitration award. The office of the PCA holds information relating to some of your request, as detailed below.

In relation to question 1, since 21 July 2016 up to and including 8 August 2018, the date your initial request was received, the PCA has accepted no cases for arbitration where the full amount of costs pursuant to the Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016 have been awarded against the tied pub tenant.

In relation to question 2, since 21 July 2016 up to and including 8 August 2018, the PCA has accepted no cases for arbitration where costs in excess of £2,000 have been awarded against the tied pub tenant due to the claim being found to be vexatious (Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016).

In relation to question 7, since 21 July 2016 up to and including 8 August 2018, the PCA has accepted 91 cases for arbitration where the parties have settled the case before a costs award has been made. The arbitration process encourages ongoing negotiations between the parties to reach agreement or narrow the issues in dispute. Parties may settle a case for a number of reasons, for example reaching a mutually acceptable position as part of ongoing negotiations.

The PCA does not hold information in relation to questions 3-6. This is because the PCA does not receive information relating to the full costs in every arbitration case and therefore does not hold information about how many cases in which the full or majority of costs of a case have been awarded in favour of one party or another. In some cases, for example where the parties reach settlement including as to costs, the parties may decide not to have those full costs details recorded in the award. Where that occurs the arbitrator may make an award that requires parties to bear their own costs without the PCA receiving information as to what these costs are. In some cases, the parties may come to an agreement as to costs following a substantive award, which the arbitrator will record in an award. Again, this may or may not include the detail as to those costs.

For further information you may find it helpful to read the [PCA arbitration costs factsheet](#) published at www.gov.uk/pca which provides further detail about how costs may be awarded in arbitrations in circumstances where the PCA, as arbitrator, is required to make a decision on costs.

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.