



Pubs Code Adjudicator

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

Email: office@pubscodeadjudicator.gov.uk

26 September 2018

Dear Mr Wright,

Thank you for your email, received on 10 September 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:

'Under FOI can you please advise as to the number of cases referred for arbitration which upon conclusion have been awarded in favour of the tenant of the pub owning business.'

I can confirm that the office of the PCA does not hold information relevant to your request.

Providing the numbers of awards 'in favour of the tied pub tenant' is not possible without further analysis of the information contained in the awards as a judgement needs to be applied to the information we do hold to identify the information requested.

An arbitration award sets out the findings of fact and law relating to the complaint. Cases may contain many issues to be considered, and it is highly unlikely that in any given case one party is successful in all the arguments they put forward. As a result, it is a judgement call as to whether in all cases the award 'is in favour' of one or other party. For example, many cases relate to whether the pub-owning business has put forward an MRO proposal which is compliant with the Pubs Code. On analysis of all the terms in the proposal, it may be the case that one term is found to be compliant, but 10 others are found to be not so. A judgement is needed to determine whether the award is 'in favour of' one or other party. In other cases, the award may set out the settlement terms reached between the parties. In such cases there is no award in either party's favour.

The PCA's position in relation to a similar request has been upheld by the Information Commissioner Office on 23 July 2018 under reference: FS50711347.



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If you do not believe that the office of the PCA has responded to your request, as set out above, 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 are not content with the outcome of the 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.

Yours sincerely,

Stacy Rigby
Office of the Pubs Code Adjudicator