



## **The Pubs Code Adjudicator and Tenant Representatives Group meeting 04 December 2018**

### **Attendees**

Paul Newby – (PN) Pubs Code Adjudicator (PCA)  
Fiona Dickie – (FD) Deputy PCA  
Tom Astley – (TA) PCA  
Stacy Rigby – (SR) PCA (notes)

Mike Clist – (MCI) BII  
Martin Caffrey – (MCa) FLVA

### **Apologies:**

Kate Nicholls – (KN) UKHospitality

### **Key Decisions and Actions**

#### **1. Actions from previous meeting**

**Action:** TRG to actively encourage TPTs to provide consent so that the whole industry can benefit from published awards. TRG to consider channels the PCA can use to promote the publication of arbitration awards to reach as many TPTs as possible.

**Update:** Ongoing.

**Action:** PCA to consider approach if a POB's consent is withdrawn regarding publishing arbitration awards.

**Update:** Completed. PN confirmed that the PCA would redact POB details if consent is withdrawn however the expectation is that consent will not be withdrawn.

**Action:** PCA to consider any evidence of the use of NDAs in relation to waiving confidentiality.

**Update:** Completed. PN advised that this matter had not been raised with the PCA but would welcome evidence if TRG come across it.

**Action:** PCA to confirm number of arbitration awards in next quarterly data release for September 2018.

**Update:** Completed. The PCA confirmed that the next quarterly data release would be in January 2019.

**Action:** TRG to collect information/evidence of TPTs being issued section 25 Landlord and Tenant Act 1954 notices inappropriately.

**Update:** Ongoing.

**Action:** PCA to send TRG members the internet pathway to access the monthly MRO data published by the BBPA.

**Update:** Completed.

**Action:** PCA to provide TRG with communications piece about the MRO questionnaire, for TRG to distribute to their TPTs.

**Update:** Completed.

**Action:** TRG to provide feedback on establishing a dilapidations cross-industry group.

**Update:** Discussed at relevant agenda item.

**Action:** PCA and BII to align communications strategy of informing TPTs of Pub Code matters.

**Update:** Focus in the new year as part of wider building tenant capability strategy. PCA to contact BII.

**Action:** PCA to consider the issue of TPTs having better information about SDLT at MRO.

**Update:** PCA have written to POBs on the impact of SDLT on MRO proposals.

## **2. Publishing arbitration awards**

FD updated the meeting on progress and confirmed that the PCA/DPCA remain committed to publishing awards in full. FD confirmed that the PCA has implemented a robust process to manage the redaction of personal and commercially sensitive information. MCI commented that there had been a decline in MRO related calls to the BII enquiry line and that publication should invigorate the MRO process.

**ACTION:** PCA to ask POBs to confirm how they serve MRO proposals.

**ACTION:** TRG agreed to support the PCA in raising awareness of the published awards.

## **3. Alternative arbitrators**

FD informed the meeting that although there had been a slight reduction in referral numbers there were still a high number of live arbitration cases and therefore, she and the PCA had decided, on a case by case basis, to refer a number of cases to alternative arbitrators. FD confirmed that an arrangement was in place with the Chartered Institute of Arbitrators to provide a recommendation service and that a similar approach is proposed with the Royal Institution of Chartered Surveyors. PN added that this would create a pool of experts which the PCA could rely on and that some familiarisation training would be offered at an appropriate time.

## **4. MRO Questionnaire**

TA updated the meeting on the MRO questionnaire which had recently been made available to tenants so that the PCA would have access to more transparent information / data about MRO and to give TPTs who have gone through the MRO process an opportunity to provide first-hand feedback direct to the PCA.

**ACTION:** PCA to send TRG a link to the PCA MRO Questionnaire and any future related communications for them to share via their own communication channels.

## **5. Sediment and operational waste statutory consultation**

The PCA confirmed that the consultation was open until 11 January 2019 and that it plans to bring guidance into effect from the start of the new Code reporting year on 01 April 2019.

## **6. Dilapidations**

PN confirmed the PCA's plans for a cross-industry working group to set out best practice approaches to the management of dilapidations. PN hoped that the BII would be a partner in this.

**ACTION:** PCA would seek to agree terms of reference for the dilapidations working group with the BII and BBPA.

## **7. Tenant Survey**

The PCA confirmed that the second tenant survey in 2019 will follow the qualitative and quantitative approach from last year. The PCA expected to put the survey in the field in February/March 2019 and to publish the survey report in spring 2019.

## **8. Tenant Stakeholder engagement**

The PCA asked if there were any member events that the PCA could attend.

**ACTION:** PCA to contact TRG in early 2019 to discuss attendance at TRG events.

## **9. BEIS plan for statutory review**

The PCA confirmed that it was in the early stages of engaging with BEIS to understand their plans in terms of scope and timing of the review. This is still expected to commence following the end of the review period in March 2019.

## **10. Regulatory Compliance Handbook**

The PCA confirmed that it plans to publish a new chapter of the Regulatory Compliance Handbook (RCH) relating to aspects of the MRO compliant proposal. The PCA was also considering how more could be done to improve transparency about how MRO rents are calculated.

## **11. Professional advisers for TPT's**

The PCA planned to publish information for tenants about the importance of independent professional advice and would welcome the help of the TRG in getting these messages to TPTs.

## **12. Meeting dates for 2019**

The PCA would send out proposed dates for 2019 meetings in early January.