



Pubs Code Adjudicator

Office of the Pubs Code Adjudicator
Lower Ground
Victoria Square House
Victoria Square
Birmingham
B2 4AJ
Email: office@pubscodeadjudicator.gov.uk

08 July 2019.

Dear XXXX,

Thank you for your emails of 06 and 10 May respectively, 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:

'The issue I am researching: that is paragraph 3.3 of the Advice Note¹ where it states, "All six regulated POBs agree that they do not, or will not do this in future."'

This conformation (sic) from POBs was presumably obtained through a consultation involving the PCA and the POBs. It is the correspondence and meeting notes in relation to this that are of specific interest.'

In response to our request for clarification, you stated:

In terms of your specific questions: -

- 1. Yes, I confirm that my request relates to the correspondence and meeting notes in connection with the agreement with POBs as above.*
- 2. The "agreement with POBs" is as described at 3.3 in the Advice Note and outlined above.*
- 3. I obviously do not know the precise timescale or timeframe but the above description does significantly narrow the request. I would imagine the consultation would have been undertaken with the starting point of a communication from the PCA to POBs and then POBs responded to that within a defined timescale.'*

¹ PCA Advice note dated July 2017 (now withdrawn).



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I can confirm that the office of the PCA does hold information relevant to your request.

For the reasons outlined below, the Pubs Code Adjudicator, Mr Paul Newby, in his capacity as the 'qualified person' under the Freedom of Information Act 2000 is of the opinion that the exemptions under section 36(2)(b)(i)(ii) and (c) of the Act apply to the information you have requested. The PCA is of the opinion that the public interest favours withholding it. In making this decision, the PCA has taken into account the views of those whose information is held by the PCA and falls within the scope of your request.

The PCA recognises that there is a legitimate public interest in transparency in respect of the implementation of the Pubs Code. It also appreciates the importance of holding to account those who enforce and operate under the Pubs Code.

The PCA considers, however, that disclosure would inhibit the free and frank provision of advice, would inhibit the free and frank exchange of views for the purposes of deliberation and would otherwise prejudice the effective conduct of public affairs. Specifically, the PCA considers that arguments for disclosure are outweighed by the public interest in preserving the confidentiality of its regulatory discussions with the pub-owning businesses subject to the Pubs Code.

The PCA considers it essential that it is able to conduct full and frank discussions with its advisors and pub-owning businesses and that it is free to use these to explore and test issues relating to Pubs Code compliance. Preserving the safe space in which to debate questions of compliance is consistent with both the PCA's published statutory guidance on its approach to regulatory enforcement of the Pubs Code and wider principles of regulatory best practice to which the PCA, as a responsible regulator, is committed.

If you do not believe that the office of the PCA has provided an appropriate response 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,

XXXXX

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Office of the Pubs Code Adjudicator

Pubs Code enquiries to 0800 528 8080 or enquiries@pubscodeadjudicator.gov.uk
Website: www.gov.uk/pca