



Pubs Code Adjudicator

The Pubs Code Adjudicator and Code Compliance Officers meeting 28 March 2019

Attendees

Paul Newby – (PN) Pubs Code Adjudicator

Fiona Dickie – (FD) Deputy Pubs Code Adjudicator

Stephen Childerstone – (SC) PCA

Katharine Diamond (KD) PCA

Stacy Rigby – (SR) PCA

Andrew Green – (AG) BBPA

Andrew Tighe – (AT) BBPA

James Edwards – (JE) Marston's

Christine Stevens – (CS) Marston's

James Richards – (JR) Punch Taverns

Donna Gracey – (DG) Punch Taverns

Julie Jolly – (JJ) Greene King

Chris Moore – (CM) Star Pubs & Bars

Lynne Winter – (LW) Star Pubs & Bars

Mark Brown – (MB) Admiral

Sara Kitchen – (SK) Ei Group

Stuart Gallyot – (SG) Ei Group

Natasha Smart – (NS) Ei Group

Key Decisions and Actions

1. Actions from previous meeting

Action: PCA to provide information for what parties may consider redacting to ensure consistency across all published awards.

Update: Complete.

Action: POBs to each provide the PCA with the number of MRO questionnaires issued to enable response rates to be verified.

Update: Complete. All POBs sending on monthly basis.

Action: PCA and BBPA to consider and agree a consistent wording for signposting TPTs to professional advice.

Update: Ongoing. Issue to be taken forward at regulatory 1:1 meetings.

Action: CCOs to identify any further changes necessary to promote their role in external communications prior to the next meeting e.g. websites

Update: Covered at item 5.1.

Action: CCOs to refer examples of unintended consequences as a result of the tenant information leaflet to the PCA (to be co-ordinated by BBPA).

Update: No issues reported as at date of meeting. Subsequent submission from BBPA to the PCA in April setting out suggested improvements to the leaflet.

Action: PCA to give POBs at least 24 hours' notice prior to publication of first and subsequent collections of awards.

Update: Complete for first set of awards, ongoing for future publications.

Action: PCA to respond in writing to BBPA's correspondence in relation to SDLT.

Update: Covered at item 2.

Action: PCA to send electronic copy of the 2018/2019 compliance report to CCOs.

Update: Covered at item 3.1.

Action: PCA to inform POBs about the publication plan for the 2018/2019 compliance reports.

Update: Covered at item 3.1.

Action: POBs to provide comments on draft compliance report by end of January 2019.

Update: Complete.

Action: PCA to agree terms of reference for the dilapidations advisory group with the BII and BBPA.

Update: Outstanding. Covered at item 3.3.

Action: PCA to write to POBs individually with comments on Pubs Code information on their respective websites.

Update: POB action outstanding. Covered at item 5.

Action: POBs to give PCA information about TPT-related events in 2019

Update: Covered at item 5.2.

Action: PCA to send CCOs Word version of the consultation response form.

Update: Complete.

2. Access to MRO

Action: BBPA to collate all possible outcomes following the service of a MRO Notice; and to liaise with KD to agree new monthly MRO datasets for publication.

Action: Individual POBs to provide to the PCA by 23 May 2018 the evidence they rely on to satisfy themselves that the MRO terms they offer are common in the FoT market.

Action: POBs to share their views with the PCA on lease length at MRO.

Action: PCA to provide new Regulatory Compliance Handbook chapter on MRO proposals to POBs prior to publication.

Action: CCOs to provide confirmation to adopt approach taken by Ei Group Plc, in relation to SDLT, before the next regulatory 1:1 meetings.

3. Regulatory Compliance

3.1 2018/19 Compliance Reports

Action: All POBs agreed to publish their 2018/19 compliance reports in full by 30 September 2019 (Marston's to confirm as soon as possible that they will do this).

Action: PCA to advise POBs of the number of complaints (not individuals' names) it has signposted, both to date and on an ongoing basis.

3.2 Statutory Guidance on Beer Duty / Waste

Action: PCA to reconsider planned implementation date of 01 April 2019.

3.3 Dilapidations Advisory Group

Action: PCA to write to POBs requesting them to provide their individual policies in respect of managing dilapidations.

4. Arbitration Update

4.1 Publication of Awards

Action: CCOs to lead on working with the PCA to prepare awards for publication and to ensure that only reasonable and necessary redactions are proposed.

4.2 Initial Stay

Action: CCOs to inform their POBs that the benefits and incentives associated with the initial stay will not be available if the parties do not settle within the stay; and that there will be no further extensions.

5. Engagement

5.1 Role and Profile of the CCO

Action: PCA to explore in the next round of 1:1 meetings whether CCOs have the necessary authority within their POB to carry out their statutory function of ensuring compliance with the Code.

5.2 Events and engagement

Action: POBs to provide PCA with any suggestions for the membership and form of a possible PCA tenant group.

6. Operational issues

6.1 2019/20 PCA Levy

Action: PCA to notify POBs when the 2019/20 levy had been approved by the Secretary of State.

6.2 Reporting of Pub Numbers

Action: PCA would be asking for pub numbers as at 31 March 2019 in mid-April.

6.3 2018/19 Tenant Survey

Action: PCA to share individual and overall data with POBs and notify them 24 hours in advance of publication.