



# Pubs Code Adjudicator

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

Email: [office@pubscodeadjudicator.gov.uk](mailto:office@pubscodeadjudicator.gov.uk)

22 January 2020



Thank you for your email, received on 23 December 2019, 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 have requested the following information:

1. What is the total number of PCA referral cases in which alternative arbitrators (AA's) have been appointed since July 2016.
2. How many different AA's have been appointed by the PCA since July 2016?
3. What is the percentage of 2016 referrals cases for which AA's were appointed?
4. What is the percentage of 2017 referrals cases for which AA's were appointed?
5. What is the percentage of 2018 referrals cases for which AA's were appointed?
6. What is the percentage of 2019 referrals cases for which AA's were appointed?
7. What number of the AA's appointed by the PCA charge the same or less than the PCA quoted hourly rate?
8. What number of the AA's appointed by the PCA charge more than the PCA quoted hourly rate?
9. What is the average hourly rate charged by the AA's appointed by the PCA?
10. What is the highest hourly rate charged by any of the AA's appointed by the PCA?
11. What is the total amount charged by the AA's in all cases (where costs have been awarded) payable by either the TPT or the POB?



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12. What was the total amount TPT's had to pay to the AA's in such cases?

I can confirm that the office of the PCA does hold some information relevant to your request and I set out below that information or an explanation of why it is exempt from disclosure.

As at the date of your request the total number of PCA referrals made in which alternative arbitrators have been appointed since July 2016 is 86 and 31 different alternative arbitrators have been appointed by the PCA since July 2016.

The percentage of 2016 referrals made for arbitration for which alternative arbitrators were appointed is 4%. For referrals made in 2017 the percentage is 6%, and for referrals made in 2018 the percentage is 32%. The percentage of 2019 referrals made to the date of your request in which an alternative arbitrator has been appointed is 46%.

In respect of questions 7 to 11, the PCA does not hold this information. The commercial rate that each individual arbitrator charges is personal to each arbitrator and is likely to reflect, among other matters, their experience and qualifications. The costs charged by the arbitrator in any particular case is a matter between the arbitrator and the parties. In relation to PCA charges, parties are informed of the PCA's charge out rate at the start of the case, and this is currently £198.00 per hour. The PCA is a non-profit making organisation and recovers its costs in line with managing public money. Further information about managing public money is available here <https://www.gov.uk/government/publications/managing-public-money>

The information in relation to question 12 is exempt under section 41 of the Act (information provided in confidence). Information about awards made in relation to costs is provided to the PCA by alternative arbitrators in the context of confidential arbitration proceedings. Disclosure of any such information would constitute a breach of that confidence, in which arbitration parties could bring court action for a breach of confidence. The courts continually uphold the principle of confidentiality of arbitration proceedings. In relation to the information held the PCA does not have the consent of the parties to waive confidentiality in relation to costs that have been awarded in any arbitration case which has been determined by an alternative arbitrator and disclosing a total figure for tied pub tenant costs may have the effect of identifying the outcome of individual arbitrations in relation to costs in breach of that confidence.

If you do not believe that the office of the PCA has provided an appropriate response 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](mailto: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



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be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

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