



# Pubs Code Adjudicator

Office of the Pubs Code Adjudicator  
Lower Ground  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ  
Email: [office@pubscod adjudicator.gov.uk](mailto:office@pubscod adjudicator.gov.uk)

17 February 2020

## Sent via email only

Dear [REDACTED]

Thank you for your email of 22 January 2020 requesting an internal review of the decision in relation to your Freedom of Information request dated 23 December 2019.

As set out in the email from this office dated 6 February 2020 this review is being conducted on the basis that you do not agree with our assessment that the PCA does not hold elements of the information you requested at requests 7 to 11.

I have undertaken an internal review on the above basis and considered afresh the information within the scope of your request and whether any relevant exemptions apply to that information.

As previously set out, the Freedom of Information Act 2000 (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.

## Requests 7 to 10

I have carried out an internal review of the PCA's response in relation to requests 7 to 10 and I am satisfied that the previous response was appropriate and that we do not hold the information that you requested. As explained in our letter of 22 January 2020, the costs charged by the arbitrator in any particular case is a matter between the arbitrator and parties.

You say in your review request that the PCA could seek this information from third parties in order to provide it to you. However, there is no duty under the Act to create or find information that is not held by the PCA at the time of the request.

## Request 11

I confirm that the PCA does hold some information in relation to request 11. The information we hold does not cover all cases where an alternative arbitrator has been appointed. As set out above there is no duty under

Pubs Code enquiries to: 0800 528 8080 or [enquiries@pubscod adjudicator.gov.uk](mailto:enquiries@pubscod adjudicator.gov.uk)

Website: [www.gov.uk/pca](http://www.gov.uk/pca)



## Pubs Code Adjudicator

the Act to create or find information that is not held by the PCA at the time of the request. The information we do hold is exempt under section 41 of the Act (information provided in confidence). Some alternative arbitrators provide the PCA with information about costs that are payable by either the pub-owning business or the tied pub tenant. This information is provided to the PCA 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 continue to uphold the principle of confidentiality of arbitration proceedings. I therefore consider that the information held relating to request 11 is exempt under section 41 of the Act.

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,



**Pubs Code Adjudicator**

Office of the Pubs Code Adjudicator



Pubs Code  
Adjudicator