



# 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)

09 January 2020

Dear [REDACTED],

Thank you for your email, received on 9 December 2019, in which you requested information from the office of the Pubs Code Adjudicator (PCA) under the Freedom of Information Act 2000 (FOIA).

The FOIA 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 FOIA which may apply.

You have made the following request:

“We wish to see a copy of the Structural Review undertaken by [REDACTED].”

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, having considered the circumstances of this case, 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. This is because disclosure would or would be likely to:

- inhibit the free and frank provision of advice,
- inhibit the free and frank exchange of views for the purposes of deliberation and/or
- otherwise prejudice the effective conduct of public affairs.

I am of the opinion that the public interest favours withholding the information requested. The PCA recognises that there is a legitimate public interest in transparency in respect of the operation of the PCA as a public authority.

In assessing the balance of the public interest, I consider the timing of this request to be an important consideration. The PCA Office is currently in the process of assessing some of the changes implemented following the review and considering further its people strategy regarding its operations and staffing. It is important that the PCA Management Board has a safe space at the present time to fully explore all aspects of the matters raised in the report and to seek and obtain advice that can have an effect on its resources and staffing structure



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in future without concern that considerations will enter the public domain before decisions as to application have been made. Such concerns may obstruct the full and proper consideration of the report and the ability of the PCA to seek and obtain unfettered and frank advice.

The PCA Office is a relatively new organisation and needs to be able to develop a staffing structure which is appropriate for it in an environment where deliberation on the matter and advice received both internally and from civil servants in government departments is not inhibited. Disclosure may inhibit the Board from seeking, and may inhibit persons advising, and may hinder them expressing themselves openly, honestly and completely, or exploring options, when providing advice or giving their views as part of the process of deliberation. There is a risk in disclosing the Structural Review report that this could impact on operational decisions and hinder the effective conduct of public affairs related to making effective decisions around staffing.

Further, there are particular risks in disclosure while the content of the Structural Review report relating to appropriate resources and staffing structure is under consideration in relation to a very small organisation such as the PCA Office. Disclosure of the Structural Review report by the PCA risks de-stabilising or negatively affecting the confidence of PCA staff given the small number of staff working in the Office.

It is considered that arguments for disclosure are outweighed by the public interest in preserving the confidentiality of the Structural Review report.

I consider the public interest weighs in favour of maintaining the exemption and withholding the information requested, particularly at a time when decisions around application of the Review are still ongoing.

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](mailto:office@pubscodeadjudicator.gov.uk) or:

PCA  
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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,

  
Office of the Pubs Code Adjudicator

Pubs Code enquiries to 0800 528 8080 or [enquiries@pubscodeadjudicator.gov.uk](mailto:enquiries@pubscodeadjudicator.gov.uk)  
Website: [www.gov.uk/pca](http://www.gov.uk/pca)