



# 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)

18 December 2020

Dear [REDACTED]

Thank you for your email received on 23rd November 2020 in which you requested information from the office of the Pubs Code Adjudicator (PCA) which we have considered 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.

The information you are requesting is as follows:

'Following on from our Freedom of Information related to breaches in 2017 which you successfully replied to under (FOI/107077/[REDACTED] FOI), can you now please advise the same for the calendar year **2018** i.e. what breaches of regulation were being claimed and how many times

i.e. Regulation 50 claimed 20 times – Regulation 41 claimed 25 times - Regulation 16 claimed 4 times.'

By way of clarification, on 25 November 2020, the office of the PCA emailed you to ask whether it was your intention to request the same information for calendar year **2019**, given you had already requested the data in relation to 2017. You were informed that it would be possible to provide the information for both 2018 and 2019 in the same response.

On 25 November 2020, you confirmed by email that it was your 'intention to do both years, therefore what you propose below would be acceptable to us.'

The PCA has therefore interpreted your request as a request for information contained in referrals for arbitration made by either a Tied-Pub Tenant (TPT) or Pub-Owning-Business (POB) in the calendar years 2018 (1 January 2018 – 31 December 2018) and 2019 (1 January 2019 – 31 December 2019).

I confirm the PCA does hold information relevant to your request.

Please note that some referrals include alleged breaches of more than one regulation. Each alleged breach has been identified separately in the table below.



# Pubs Code Adjudicator

In the calendar year 2018 there were 117 referrals made to the PCA. The information in the tables below reflect the content of referrals made between 1 January 2018 – 31 December 2018 for both Market Rent Only (MRO) and Non-MRO disputes.

Dispute Type	Regulation	Number of Times Breaches Claimed
MRO (Full Response)	29* – <i>Effect of Tenant’s Notice</i>	98
MRO	35 – <i>Subsequent Proposal</i>	3
MRO	37 – <i>Independent Assessor</i>	5
MRO	25 – <i>Trigger Event</i>	1

\*Regulation 32(1)(2) (a -c) and Regulation 33 (1-3) refer to a right to refer under Regulation 29.

Dispute Type	Regulation	Number of Times Breaches Claimed
Non-MRO	41 – <i>Business Development Managers</i>	2
Non-MRO	50 – <i>Tied Pub Tenant not to suffer Detriment</i>	2
Non-MRO	19 – <i>Duty to conduct a Rent Assessment or an assessment of money payable in lieu of rent</i>	5
Non-MRO	20 – <i>The Rent Assessment Proposal</i>	3

In the calendar year 2019 there were 83 referrals made to the PCA. The information in the tables below reflect referrals made between 1 January 2019 – 31 December 2019 for both Market Rent Only (MRO) and Non-MRO disputes.

Dispute Type	Regulation	Number of Times Breaches Claimed
MRO (Full Response)	29* – <i>Effect of Tenant’s Notice</i>	66
MRO	37 – <i>Independent Assessor</i>	4
MRO	23 – <i>MRO Notice</i>	1

\*Regulation 32(1)(2) (a -c) and Regulation 33(1-3) refer to a right to refer under Regulation 29.

Dispute Type	Regulation	Number of Times Breaches Claimed
Non-MRO	41 – <i>Business Development Managers</i>	3
Non-MRO	50 – <i>Tied Pub Tenant not to suffer Detriment</i>	1
Non-MRO	19 – <i>Duty to conduct a Rent Assessment or an assessment of money payable in lieu of rent</i>	10
Non-MRO	20 – <i>The Rent Assessment Proposal</i>	1



## Pubs Code Adjudicator

Non-MRO	21 – <i>Conduct of the Rent Assessment or the Assessment of money payable in lieu of rent</i>	1
Non-MRO	47 – <i>Gaming machines</i>	1
Non-MRO	45 – <i>POB to notify PCA and Tied Pub Tenants of status under the Pubs Code</i>	1

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:

PCA  
Lower Ground  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ

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

