



# 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)

19 November 2020

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Thank you for your email received on 26<sup>th</sup> October 2020 in which you clarified your request for 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:

*‘Just looking at PCA referral forms, during the calendar year 2017 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’*

The PCA does hold information relating to your request.

We have interpreted your request as a request for information contained in referrals for arbitration made by either a Tied-Pub Tenant (TPT) or Pub-Ownning-Business (POB) in the calendar year 2017 (1 January 2017 – 31 December 2017). Please note that some referrals include alleged breaches of more than one regulation. Each alleged breach has been identified separately in the table below.

In the calendar year 2017 there were 116 referrals made to the PCA. The information in the tables below reflect referrals made between 1 January 2017 – 31 December 2017 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>	82
MRO	37 – <i>Independent Assessor</i>	18

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



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Dispute Type	Regulation	Number of Times Breaches Claimed
Non-MRO	41 – <i>Business Development Managers</i>	8
Non-MRO	50 – <i>Tied Pub Tenant not to suffer Detriment</i>	3
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>	6
Non-MRO	66 – <i>Rent Assessments</i>	1

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  
Lower Ground  
Victoria Square House  
Victoria Square  
Birmingham  
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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

