

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

Email: office@pubscodeadjudicator.gov.uk

03 August 2021

Dear [REDACTED]

Request under the Freedom of Information Act 2000; Ref FOI/ [REDACTED]

I refer to your email of 9 July 2021, in which you requested the following information from the Pubs Code Adjudicator (PCA) under the Freedom of Information Act 2000 (the FOI Act):

1. *Supply a copy of the framework governance document that exists between the PCA – BEIS office.*
2. *Confirm if the post of legal director was advertised in open competition and send us a copy of the advert.*
3. *Confirm how long the PCA legal director Katherine Diamond has been on her temporary promotion start date / end date etc.*
4. *Confirm if Field Fisher are still instructed as of the time of writing, and if not when did they last work at the PCA i.e. on the Heineken investigation.*
5. *Confirm if the role of Arbitration Lawyer is held by Ms Dickie and if not her is it held by a contractor.*

If applicable (5) also confirm if the post of Arbitration Lawyer was advertised in open competition and send us a copy of the advert.

The FOI 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.

I can confirm that the PCA Office does hold some information relevant to your request. Please see our response below, using the numbering as per your request for ease of reference.



Pubs Code Adjudicator

1. There is not a “*framework governance document that exists between the PCA – BEIS office*” as described in your request. Government is considering a new framework agreement as between central Government and arms length bodies. A draft framework is under consideration and a final version published once complete. It may assist you to note that the PCA is a statutory office holder appointed by the Secretary of State and is independent of Government in the exercise of its functions. As an arms length body of the Department for Business Energy and Industrial Strategy (BEIS), BEIS is responsible to Parliament for the PCA. The PCA annual report explains the governance structure for the PCA, including the Governance Board which facilitates the relationship between the PCA and BEIS. The Board meets on a quarterly basis and comprises of staff from the PCA Office and staff from the BEIS sponsorship team.
2. There is no current role at the PCA Office of “legal director”. A role of Director for the Office of the PCA is in place and I enclose the advert that was used to recruit for this role in a fair and open competition.
3. By way of providing advice and assistance to you, I can advise that information about staffing is published in the PCA annual report. As is published in the annual report 2019-2020, Katharine Diamond began serving in the role of Director of the Office of the PCA on an interim basis in March 2020. She continued to serve as interim Director during the 2020-2021 financial year. During the course of that year the role was advertised and filled on a permanent basis following a fair and open competition process (for information, details about the process can be seen in the enclosed job advert).
4. The law firm Fieldfisher is instructed under framework agreement by the PCA as appropriate to provide external legal support in its regulatory work. This framework agreement is still in place.
5. Fiona Dickie is the Pubs Code Adjudicator, a ministerially appointed role. She does not also hold any other role within the PCA Office structure. The role of arbitration lawyer is currently staffed by a person seconded to the PCA Office to fulfil this role. You may be aware that the PCA Office cannot employ any staff direct. Under paragraph 9 of Schedule 1 to the Small Business, Enterprise and Employment Act



Pubs Code Adjudicator

2015 the PCA may make arrangements for persons to be seconded to the PCA Office to serve as staff. We enclose the advert that was used to recruit for this role in a fair and open competition.

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.

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,

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Office of the Pubs Code Adjudicator



Pubs Code
Adjudicator

Director for the Office of the PCA

Pubs Code Adjudicator

Pay Band: SCS1

Reference: 58600

Closing date: 14th September 2020

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Welcome Message from Fiona Dickie

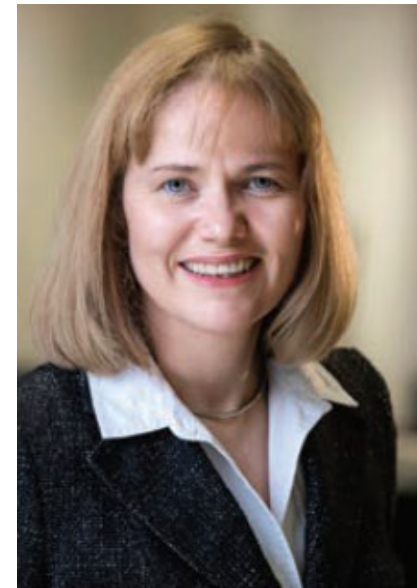
Thank you for looking at the advert for the role at the Pubs Code Adjudicator (PCA) as the Director of the Office of the PCA (Grade 5 Deputy Director level). We are responsible for enforcing the Pubs Code which gives new rights to tied tenants. We have stakeholders who have strong views and are not afraid to air them and we are often in the public eye.

The team consists of people from many different backgrounds – long term civil and public servants, lawyers and a communications specialist. We have a genuinely inclusive culture with each bringing different skills to the mix. We work flexibly, and the demands of the roles mean we are constantly learning and developing and improving what we do.

The Office of the PCA (OPCA) is a great place to work. We're a small team, still relatively new, located in Birmingham city centre in modern offices adjacent to New Street station, This is an excellent opportunity in a newly approved role at the most senior level, responsible for the management of this small organisation reporting directly to the PCA. As a senior leader in the Civil Service you will be expected to be able to set future direction within a strategic context.

If this sounds interesting do send us your application, and if you'd like to know more before you apply, talk to the person shown on the advert. We look forward to hearing from you.

“This is an exciting time to join the PCA”



Fiona Dickie
Pubs Code Adjudicator

About the Pubs Code Adjudicator (PCA)

The Pubs Code Adjudicator (PCA) was established by the Small Business, Enterprise and Employment Act 2015. Paul Newby was appointed as the first PCA in May 2016, and Fiona Dickie was appointed as Deputy PCA (DPCA) in November 2017. Fiona was appointed to the role of the Pubs Code Adjudicator in May 2020

The role of the PCA is to enforce the statutory Pubs Code (the Code) which came into force in July 2016. The Code regulates the relationship between large pub-owning businesses and their tied tenants (a tied tenant covered by the Code is someone who is obliged to buy at least some of their alcohol from their landlord). The PCA is independent, with powers to arbitrate individual Code disputes and investigate suspected breaches of the Code. The Code applies to pub-owning businesses who own 500 or more tied pubs and applies to tied pubs in England and Wales only.

Further information on PCA can be found here: <https://www.gov.uk/government/organisations/pubs-code-adjudicator>

Responsibilities

The PCA is responsible for monitoring and encouraging compliance with, and enforcing, the Code.

- The PCA has adopted a modern regulatory approach which reflects the principles of the [Regulator's Code](#). The PCA works collaboratively, where appropriate, with pub-owning businesses to respond to issues raised by tied tenants and others to bring about beneficial change in the sector.
- The PCA issues advice and guidance which aims to help tied tenants understand what their rights are under the Code and to set out to pub-owning businesses what the PCA's expectations are regarding Code compliance
- The PCA monitors compliance with the Code. The PCA can investigate where there is reasonable suspicion that a pub-owning business has breached the Code, with enforcement measures ranging from recommendations to imposing financial penalties on a pub-owning business (or businesses).
- The PCA arbitrates Code disputes between a tied tenant and their pub-owning business.

Vacancy Description

About the Role

The post-holder will be a visible leader, and be expected to engage staff at all levels and develop their capability; manage the senior management team effectively, utilising strong project management disciplines and ensuring delivery of results within budget, and role model the Civil Service values.

The successful candidate will develop productive relationships at the most senior levels to work with the regulated pub companies; tied pub tenants and their representatives; navigate BEIS and Ministerial responsibilities; and other key industry stakeholders to ensure policy priorities are effectively developed and pursued. This role provides an excellent opportunity to discharge policy and decisions made under the auspices of the statutory Pubs Code. The work will be broad and varied, offering the chance to extend knowledge across a very wide range of issues, and to build networks at a senior level.

Key Objectives

- The overall functioning of the OPCA's regulatory and arbitration services; its operations, policy, communications, casework and legal work.
- The overall successful delivery of an end to end arbitration operation process, including outsourcing to alternative arbitrators, and the enquiry service offered by the PCA; expert support and guidance in the management of arbitration issues, including legal challenges.
- Ensuring that the OPCA is able to procure the necessary professional expertise and support services needed to deliver its statutory functions with excellence.
- Managing statutory investigations, including overseeing and directly inputting into evidence gathering, witness interviewing, report writing and advice to the PCA on the outcome and where appropriate the exercise of regulatory sanctions.
- Engaging externally as the authoritative voice across the range of powers and duties of the PCA, standing in for the PCA where required, forging effective relationships externally across Government and within the pub industry.
- Defining and implementing strategic objectives to bring change in the tied pub sector, improvement on the implementation and application of regulatory practices in this new area of law;
- Leading on the structural management of the PCA team, including HR and procurement in line with business need and with resilience to maintain the energy, dynamism and progress of this relatively new office.
- Ensuring the sound financial management of the PCA office, in line with HMTreasury "Managing Public Money" guidance and the National Audit Office and the provision of support to the PCA as Accounting Officer.
- Ensuring the PCA's operational needs including premises, data, systems management, IT and other physical resources are met.

- Ensuring the PCA's governance arrangements are compliant and effective the Management Board, responsible for the OPCA's strategic direction both internally for its people development and externally as an effective regulator;
- The Governance Board, leading and supporting the relationship of the PCA with the sponsor department;
- The Risk and Audit Committee, responsible for supporting the management board in the management of its finances, including audit, and strategic risk, and ensuring effective non-executive director engagement.
- Being the Data Protection Officer for the OPCA, with overall responsibility for the secure and lawful management of information, in particular to protect personal and commercial information, the confidentiality of arbitration proceedings, the management of consents to publish awards and the application of GDPR requirements to regulatory practices.
- Being the key contact between the OPCA and BEIS, and building and developing an effective relationship with the BEIS sponsorship team and other partner organisations.

Person Specification

What we are looking for:

Corporate Leadership Skills

- The ability to work collaboratively with senior peers in leading the OPCA, making a strong contribution to governance structures, initiating change projects and driving an organisational culture of professional excellence and continuous improvement
- A track record in winning and retaining the trust of senior Ministers and officials
- Strong leadership skills as outlined in the Civil Service Leadership Statement, both of high performing teams and corporately

Business Delivery Skills

- The capability to lead a small organisation, managing risk, maintaining and enhancing the legal professionalism of the team and commanding the confidence of senior stakeholders
- Experience of managing across work streams including operations, finance, policy, stakeholders and communications and legal matters
- Managing the OPCA people resource including the secondment programme, recruitment and working with BEIS on people issues within the legislative framework
- The ability to balance workloads and resources, with a commitment to improving service delivery and value for money
- The ability to work at pace in a complex multi-stakeholder environment
- Highly developed policy and strategic analysis skills
- Excellent drafting skills

People and Capability Skills

- Communication and management skills to lead and motivate staff at a time of growing work pressures, championing talent management and development, building a strong culture of continuous learning and improving staff engagement
- A commitment to diversity and inclusion in the workplace
- Highly developed communication, networking and negotiation skills
- Flexible and adaptable leader to provide focus for all day to day functions across the PCA
- Ability to develop change management skills within a relatively new regulator adapting to a changing political, regulatory and legal landscape
- Commanding confidence of the PCA, Ministers, officials and stakeholders

Legal Delivery Skills

- Ability quickly to acquire and with confidence apply knowledge of a complex legal framework affecting the powers and duties of public bodies and to confidently manage regulatory delivery in that context.
- Working with OPCA legal advisers to ensure the provision of authoritative, rapid and creative risk-based advice that facilitates practical solutions
- Preparedness to deal with significant ongoing legal requirements including the impending Pubs Code statutory review
- Knowledge of the hospitality industry (in particular the tied pub trade) and/or real property-based relationships an advantage

Recruitment Process

How to Apply

To apply for this post please follow the instructions on the [CS Jobs](#) website by no later than **23:55 on 14th September 2020**

As part of the application process you will be asked to complete the following:

1. A **CV** setting out your career history, highlighting specific responsibilities and achievements that are relevant for this role, including details where applicable of budgets and numbers of people managed, relevant achievements in recent posts, together with reasons for any gaps within the last two years
2. A **Statement of Suitability** (no more than 1250 words) explaining how you consider your personal skills, qualities and experience provide evidence of your suitability for the role, with particular reference to the essential criteria in the person specification.

For further information on the application process and an overview on what to expect, please visit the [Civil Service Careers](#) website.

Assessments

Individual Leadership Assessment (ILA)

Shortlisted candidates will complete a range of online psychometric tests prior to the final interview panel - mainly personality questionnaires but often including aptitude tests and the profiles/results are interpreted by an Occupational Psychologist (OP).

The OP facilitates a 120 minute remote interview with the candidate in order to validate and discuss the profiles/results in relation to their career and leadership style. Evidence from the interview and psychometrics is processed and summarised in a written report provided to a final interview panel, covering the main themes and recommending areas for the panel to probe the candidate at interview.

Overview of the Process

Government Recruitment Service will acknowledge your application and advise you of the outcome of the sift meeting. Depending on the number of applications received there may be a second stage sift.

Applications will be sifted to select those demonstrating the best fit with the post against the criteria set out in the person specification. Please ensure you keep this in mind when writing your CV and supporting statement.

Full details of the selection and assessment process will be made available to shortlisted candidates once the shortlist has been completed but will include a final panel interview.

Feedback will only be provided if you attend an interview or assessment.

For further information on the application process and an overview on what to expect, please visit the [Civil Service Careers](#) website.

Arrangements for interview

The final selection panel interview may be held at Lower Ground, Victoria Square House, Victoria Square, Birmingham B2 4AJ, or remotely using MSTeams

You will be required to deliver a short presentation. Details of this will be provided in your invitation to interview.

Expenses incurred by candidates during the recruitment process will not be reimbursed by the PCA except in exceptional circumstances and only when agreed in advance.

Reserve lists

Candidates who are not initially posted as a result of this recruitment process may be placed onto a reserve list to be considered for potential vacancies over a 12 month period in merit order.

Civil Service Commission

Selection for appointment to the Civil Service is on merit, on the basis of fair and open competition, as outlined in the Civil Service Commission's [Recruitment Principles](#).

In accordance with the Civil Service Commissioners' Recruitment Principles, our recruitment and selection processes are underpinned by the requirement of appointment on the basis of merit by fair and open competition. If you feel your application has not been treated in accordance with the Recruitment Principles and you wish to make a complaint, you should contact

beis-scs1recruitment.grs@cabinetoffice.gov.uk in the first instance.

If you are not satisfied with the response you receive, you can contact the Civil Service Commission at:

- Civil Service Commission, Room G/8, 1 Horse Guards Road SW1A 2HQ.

www.civilservicecommission.independent.gov.uk

info@csc.gsi.gov.uk

Alternative Formats

If you wish to receive a hard copy of the information, or in an alternative format e.g. Audio, Braille or large font then please contact:

beis-scs1recruitment.grs@cabinetoffice.gov.uk

If you are unable to complete your application online, and need assistance, we may be able to put a reasonable adjustment in place to help.

If this is the case, please contact us at: beis-scs1recruitment.grs@cabinetoffice.gov.uk and we will look into this situation for you

Please note we are unable to accept any applications after the closing date, if you require a reasonable adjustment, please let us know prior to the closing date.

Further Information

If you have any questions about applying for this role please contact: beis-scs1recruitment.grs@cabinetoffice.gov.uk.

Please ensure you quote the job title and reference number in your e-mail

Indicative Timeline

Please note that these dates are only indicative at this stage and could be subject to change. If you are unable to meet these timeframes, please let us know by contacting beis-scs1recruitment.grs@cabinetoffice.gov.uk. Please ensure you quote the job title and reference number in your e-mail.

The anticipated timetable is as follows:

Advert Closing Date	14th September 2020
Expected shortlist announcement	W/C 21st September 2020
Assessments	From 21st September 2020
Interviews	W/C 5th October 2020

Interviews will take place at Lower Ground, Victoria Square House, Victoria Square, Birmingham B2 4AJ, or remotely. Candidates are asked to note the above timetable, exercising flexibility through the recruitment and selection process.

Terms, Conditions and Benefits

The information offered in this document is supplied in good faith but does not in itself form any part of the contract of employment.

Appointment Term

One of the following options will apply:

- Existing Civil Servants
 - Permanent transfer into BEIS on level transfer or promotion then seconded to the PCA for three years with a possible option to extend by mutual agreement; or
 - Secondment directly from their home department to the PCA on level transfer or temporary promotion for three years with a possible option to extend by mutual agreement.
- External candidates
 - Permanent appointment to BEIS, then a secondment to the PCA for three years with a possible option to extend by mutual agreement; or
 - Secondment directly to the PCA from their existing employer (subject to their agreement) for three years with a possible option to extend by mutual agreement.

Location

Birmingham

The PCA Office is located next to Birmingham New Street Station, close to the shops and nightlife in and around the Bullring in the centre of the city.

Working Arrangements

This role is available for full-time.

Including flexible working arrangements and job share arrangements equating to full time hours but will need to be agreed with the Department to ensure business needs can be met.

Salary Range

The post is at SCS1 level. The current salary is from £70,000. Non civil servants will be expected to start at the salary minimum if successful. Civil servants appointed on level transfer will retain their existing salary. Civil servants appointed on promotion will usually receive the greater of the new salary range minimum or a 10% increase on current base pay. Current specialist allowances or specialist pay ranges are not taken into account in that calculation.

Pension

Your pension is a valuable part of your total reward package where the employer makes a significant contribution to the cost of your pension.

Your contributions come out of your salary before any tax is taken. This means, if you pay tax, your take-home pay will not be reduced by the full amount of your contribution; and your pension will continue to provide valuable benefits for you and your family if you are too ill to continue to work or die before you retire.

For more information, visit www.civilservicepensionscheme.org.uk

Leave Allowance

Full time new entrants to the Civil Service and those Civil Servants on modernised terms and conditions will be entitled to 25 days leave increasing on a sliding scale to 30 days after 5 years' service.

In addition to this you are entitled to 8 public/bank holidays plus an additional day for the Queen's Birthday. The allowance is pro-rated for part-time staff.

With competitive maternity, paternity and parental leave we also recognise the importance of a good work-life balance and offer flexible working and a family friendly approach to work.

Training and Development

The Department offers engaging jobs in work that really matters; jobs which have a direct impact on the quality of public services. Roles can offer great job satisfaction and there are many opportunities to develop and progress both within the Department and across the wider Civil Service.

We are committed to investing in our staff and offer a range of work based training and qualifications, coaching and mentoring opportunities and a guaranteed five days of learning a year.

Other Benefit

Any move to the Department for Business, Energy & Industrial Strategy (BEIS) will mean you will no longer be able to carry on claiming childcare vouchers.

Interest free season ticket and bicycle loans.

Some sites also offer onsite facilities including fitness centres and staff canteens.

Modernised Terms and Conditions

Existing Civil Servants not on modernised terms and conditions applying for a post in BEIS at, or equivalent to, their existing grade or on promotion will retain their existing terms and conditions.

A new entrant to the Civil Service employed by BEIS will be on the modernised terms and conditions.

Eligibility

The post is advertised to suitably qualified people in the external market and to existing Civil Servants.

Nationality

To be eligible for employment you must be a national from the following countries:

- The United Kingdom
- The Republic of Ireland
- The Commonwealth*
- A European Economic Area (EEA) Member State
- Switzerland
- Turkey

Certain family members of EEA, Switzerland and Turkish nationals are also eligible to apply regardless of their nationality.

(*Commonwealth citizens not yet in the UK, who have no right of abode in the UK and who do not have leave to enter the UK are ineligible to apply.) For further information on whether you are eligible to apply, please visit www.gov.uk.

Security Clearance

Before the appointment of the successful candidate can be confirmed, the Department will undertake background security checks. As part of this, we will need to confirm your identity, employment history over the past three years (or course details if you were in education), nationality and immigration status, and criminal record (unspent convictions only).

Successful candidates will be required to pass Baseline Personnel Security Standard checks. Some posts may require additional clearance and candidates should be willing to obtain security clearance to Security Check (SC) if required.

Reserved for UK Nationals

Certain posts, notably those concerned with security and intelligence, might be reserved for British citizens, but this will not normally prevent access to a wide range of developmental opportunities within the Civil Service.

This is **not** a reserved post.

Conflicts of Interest

Candidates must note the requirement to declare any interests they may have that might cause questions to be raised about their approach to the business of the PCA or BEIS. They are required to declare any relevant business interests, shareholdings, positions of authority, retainers, consultancy arrangements or other connections with commercial, public or voluntary bodies, both for themselves and for their spouses/partners. The successful candidate will be required to give up any conflicting interests and his/her other business and financial interests may be published.

Complaints

Appointment to the Civil Service is governed by the Civil Service Commission's Recruitment Principles. You have the right to complain if you feel a department has breached the requirement of the Recruitment Principles. In the first instance, you should raise the matter directly with the department concerned. If you are not satisfied with the response, you may bring your complaint to the Commission. For further information on bringing a complaint to the Civil Service Commission please visit their web pages:

<http://civilservicecommission.independent.gov.uk/civil-service-recruitment/complaints/>

Equality and Diversity

BEIS / the PCA is committed to being an equal opportunities employer. We value and welcome diversity. We aim to develop all our staff to enable them to make a full contribution to meeting the Department's objectives, and to fulfil their own potential on merit. We will not tolerate harassment or other unfair discrimination on grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age, religion or sexual orientation. We will promote and support the use of a range of flexible working patterns to enable staff to balance home and work responsibilities; and we will treat people fairly irrespective of their working arrangements.

Under the terms of the Equality Act 2010, we are legally required to consider making reasonable adjustments to ensure that disabled people are not disadvantaged in the recruitment and selection process. We are therefore committed to meeting, wherever possible, any needs you specify in your application. We will also consider any reasonable adjustments under the terms of the Act to enable any applicant with a disability (as defined under the Act) to meet the requirements of the post.

Civil Service Code

All civil servants are subject to the provisions of the Civil Service Code that details the Civil Service values, standards of behaviour and rights and responsibilities

For further information, visit Gov.UK



“Our differences enrich us, our diversity makes us strong.”

The Civil Service is committed to becoming the most inclusive employer in the UK.

We are committed to understanding, respecting and representing as broad a range of views and backgrounds as we have in UK society. We know that diverse perspectives and experiences are critical to an effective, modern Civil Service.

Our vision is to ensure the Civil Service represents modern Britain and is a truly inclusive employer - an example to other employers. We will create an organisation where diversity is not only respected and valued - but celebrated.

What's in it for me?

We want to maximise the potential of everyone who chooses to work for us - regardless of background.

If you're interested in becoming a world class leader, developing your career with us – starting with this interesting and challenging role – or doing things

differently and inspiring colleagues, then the Civil Service is the place for you.

Our passion for diversity and equality means creating a work environment for all employees that is welcoming, respectful, engaging, and enriched with opportunities for personal and professional development.

What's next?

You've taken the first step and looked through this job pack to understand the skills and experience needed to perform this role. Now join us in achieving our ambitions and let us help you achieve yours. [Apply now.](#)



Civil Service



The British Psychological Society

Chartered Psychologists



www.hcpc-uk.org



Government Recruitment Service

Contact us

If you have any questions about applying for this role please contact:

beis-scs1recruitment.grs@cabinetoffice.gov.uk

This campaign is being run on behalf of the department by Government Recruitment Service. Government Recruitment Service is part of Civil Service HR, and is a central government expert service specialising in the attraction, search, selection and recruitment of civil servants.

Our work is regulated by the Civil Service Commission where necessary and supported by the equality campaign group Stonewall.

Cabinet Office is a Disability Confident employer.



Stonewall **LinkedIn**



Pubs Code Adjudicator - G7 senior arbitration lawyer

This is a rare opportunity to take up a new post as senior arbitration lawyer in the high profile, pioneering Office of the Pubs Code Adjudicator close to the start of its life. It will suit an experienced litigator or caseworker looking to expand their legal advisory skills in a new regulatory and advisory context.

You will have the opportunity to influence the core functions of the Pubs Code Adjudicator as it develops its new regulatory role, gaining significant legal experience across the litigation and advisory spectrum, including leading on a cost effective arbitration service, as well as gaining excellent exposure to the high profile pub sector, which generates strong media and political interest.

About the Pubs Code Adjudicator

The Pubs Code Adjudicator (PCA) is a new role established by the Small Business, Enterprise and Employment Act 2015. Paul Newby took up post in May 2016 to establish a new office to enforce the statutory Pubs Code (the Code) which came into force in July 2016. The Code regulates the relationship between large pub-owning businesses and their tied tenants (a tied tenant is someone who is obliged to buy at least some of their alcohol from their landlord, or other products or services, usually in return for a reduced rent). The PCA is independent, with powers to arbitrate individual disputes and investigate suspected breaches of the Code. The Code applies to pub-owning businesses who own 500 or more tied pubs, which at present captures 6 companies (Admiral Taverns Ltd, Ei Group PLC, Greene King PLC, Marston's PLC, Punch Taverns PLC and Star Pubs and Bars (Heineken UK)) and their tenants (approximately 12,000 tenants). The Code applies to tied pubs in England and Wales only.

Further information can be found here:

www.gov.uk/government/organisations/pubs-code-adjudicator

The duties of the PCA are to:

- Arbitrate disputes between a tied tenant and a pub-owning company arising out of the Code. This may include arbitrations concerning the right to ask to go free of tie – the market rent only option.
- Investigate suspected breaches of the Code in line with its statutory guidance and consider which, if any, enforcement measures should be taken if a breach is found to have occurred.
- Report to the Secretary of State on unfair business practice.
- Recommend to the Secretary of State the amount of levy to be paid by pub-owning companies each year
- Prepare and publish an annual report of the Adjudicator's activities and prepare an annual statement of accounts for audit by the Comptroller and Auditor General, both will be laid before Parliament by the Secretary of State

Salary

Staff will be seconded on their current payscale. Salary costs are reimbursed to the staff member's employer.

Grade

Civil Service Grade 7.

Contract type

Secondment from current organisation to the PCA.

Length of employment

Secondment for a period of two years, with an option to extend by agreement.

Business area

Other - Regulatory

Location

Main location is Victoria Square House, Victoria Square, Birmingham B2 4AJ. The bright and spacious office accommodation is centrally located adjacent to the newly renovated Birmingham New Street station and close to the main shopping areas of New Street and the Bull Ring.

Flexible working arrangements are available, including consideration of part-time, or compressed hours, or home working.

About the job

You will have the opportunity to influence the office in the development of its new regulatory functions, leading on the advice to the Pubs Code Adjudicator (PCA) in relation to his arbitration functions under the new statutory framework. This post provides the opportunity to gain significant legal experience across the advisory and litigation legal landscape in areas of both public and private law. There may also be an opportunity to develop further skills in supporting the PCA in its investigatory functions over time. Line management responsibility is available for the right candidate.

You will be part of a small and friendly team supporting the PCA to carry out his duties to arbitrate disputes in accordance with his statutory duties.

As the senior arbitration lawyer you will work closely with the Head of Legal (an experienced lawyer from the Government Legal Service), advising and leading arbitration case workers, and as necessary, external legal advisers. You will provide advice direct to the PCA on all legal aspects of arbitration cases referred to the PCA.

You will play a key role on interpreting this new and intellectually stimulating area of law. You will lead on innovative development of statutory arbitrations in a public law context, gaining significant experience in a litigation and advisory context in an area that is fast paced with significant Political and media interest.

Previous litigation and/or arbitration experience would be advantageous. No previous experience is required of the Pubs Code and training will be provided.

Professional Qualifications

Applicants must be (or about to become) qualified to practise as a Solicitor, Barrister or Chartered Legal Executive in England and Wales. You must have completed a training contract/pupillage/qualifying employment, or have been exempted from this by the Law Society, the Bar Council or CILEx. Applicants qualified in a jurisdiction outside England and Wales will be required to undertake the Qualified Lawyers Transfer Scheme within 12 months of appointment. The PCA will not meet the cost.

We also welcome applications from those who expect to qualify shortly.

Person specification

This is an exciting and fast moving role which will suit someone looking to develop their legal skills set in both the litigation and advisory context. It will require case management skills, statutory interpretation skills in a new and technical area of law and cost effective service provision. It will require someone who can gain the trust of, and work with, people at all levels of seniority, up to and including Director General level.

This post will suit someone who:

- is a self-starter who can work on their own initiative and is comfortable taking decisions
- has a proven ability to manage and effectively prioritise a busy and diverse litigation workload, delivering high-quality work on time
- is a confident verbal and written communicator in a range of settings, including in commercial and politically sensitive environments
- is able to get up to speed and interpret new areas of law quickly and provide accurate and timely legal advice on case management to support the PCA's arbitration functions
- has experience of, or an aptitude for, effective people management (for people seeking line management responsibilities)

Responsibilities

- Provide impartial, effective and quality advice to the PCA on arbitration cases

- Develop consistent and effective interpretation of a new area of law, which is robust against legal challenge
- Advise on all legal aspects of arbitration case management and preparation, including in relation to case management conferences and oral hearings, as required
- Discuss and share best practice to ensure lessons are learned from complaints, including developing PCA Advice to appropriate stakeholders on PCA views arising out of arbitration cases
- Contribute to the wider functioning of the PCA office as appropriate

Competencies

Applications will be assessed against the following competencies.

Professional Legal Skills:

- Good understanding of litigation, arbitration and/or dispute resolution processes
- Sound understanding of public law
- Reliable legal judgement and appreciation of legal risk
- The ability to think strategically and creatively, see legal issues in their wider context and advise accordingly
- Sound analysis, using secure legal research to produce timely and fit for purpose advice
- The ability to communicate advice effectively both in writing and orally

Making Effective Decisions, including using legal skills and sound judgement to ensure the decisions taken in relation to arbitration cases are efficient, effective and robust against legal challenge.

Managing a Quality Service, including ensuring that you help the PCA deliver excellent customer service to parties, and that you support the Adjudicator to make lawful, evidence-based decisions and providing a cost effective arbitration service.

Collaborating and partnership, engaging confidently and convincingly in relation to the role and responsibilities of the Adjudicator to a wide audience of people, including pub-owning businesses, tied pub tenants and their representative bodies and working with others to support appropriate management of arbitration cases

Delivering at Pace, effectively prioritising and managing workloads, while maintaining quality in a fast-paced environment.

Leading and Communicating, engaging and interacting with parties, their representatives, the PCA and others as appropriate providing a professional approach to the PCA's arbitration functions.



Pubs Code
Adjudicator

Contact

For enquiries about the post please contact office@pca.gsi.gov.uk clearly marking the subject header “**G7 senior arbitration lawyer**”