

Greene King self-reports potential Pubs Code compliance failures to PCA

What was the issue?

Under the Pubs Code, [Business Development Managers \(BDMs\)](#) must make a note of all discussions with tied tenants around rent proposals and rent assessments, repairs and business planning, and must provide a copy to them within 14 days. It remains important during these difficult times that BDM conversations should be properly recorded according to the Pubs Code.

However, owing to a process failure, Greene King could not verify that a number of its BDM discussion notes had been sent to tenants.

The Code Compliance Officer (CCO) must verify their pub company's compliance with the Code. Greene King's CCO conducted an internal investigation and voluntarily told the PCA that the company had potentially breached its Pubs Code duty 38 times in respect of 16 pubs. The CCO then carried out an impact analysis to understand whether the affected tenants had suffered any detriment.

This was the second time Greene King had reported an issue to the PCA with its processes around the issuing of BDM notes. It had previously reported that some BDM notes had been sent too late due to an IT system failure.

What did the PCA do?

The PCA has been clear with pub-owning businesses that they should proactively identify potential breaches of the Code, as well as understand and put right any impact on tenants. The PCA was encouraged that Greene King's CCO had come forward about the matter and was looking into it further.

But given this was the second time Greene King had reported an issue, the PCA was concerned about its processes for issuing BDM notes.

The PCA monitored the outcome of the CCO's impact analysis to understand what had happened, if any tenants had been affected, and the information Greene King had provided to them. The PCA also considered the steps Greene King had taken to minimise future breaches and in view of this, the likelihood of the issue happening again.

What was the outcome?

Greene King sent a letter of explanation to affected tenants along with reissued BDM notes, and reminded all its tied tenants about their Pubs Code rights in respect of BDM notes. It has committed to implement improved controls to minimise the risk of the error recurring.

Greene King must include information about this issue in its annual compliance report, which is published on its website.

Greene King is satisfied that there has been no detriment to tenants, but if any tenants believe they have been affected by this issue, they should contact Julie Jolly, Greene King's Code Compliance Officer at pubscode@greeneking.co.uk in the first instance and inform the PCA.

The PCA would also welcome hearing from any tied tenants who experience future issues in relation to the receipt of BDM notes.