

Press release: Paul Newby and Fiona Dickie Publish First Arbitration Awards

The PCA and Deputy PCA have for the first time published awards, providing information about the interpretation of the law and its application in individual cases considered by them within statutory arbitration proceedings. The published awards are in relation to both [MRO](#) and [non – MRO](#) issues.

This is a significant step to creating greater transparency in the arbitration process and providing equality of arms between pub companies and tied tenants. Publication of awards is intended to facilitate open, fair and informed negotiations for tied tenants, in particular on the MRO terms offered by their pub companies.

Paul Newby, Pubs Code Adjudicator, said: “Our aim is to help tenants be more informed when negotiating with their pub companies. Publication of awards will also provide a greater incentive for pub companies to engage in effective negotiations with their tenants on the issues that have already been decided by the PCA.”

Examples of themes included in the awards are:

- Terms of MRO proposals should be reasonable and be common in the free of tie market as a whole;
- As MRO negotiations are not taking place in the open market pub-owning businesses should not take advantage of the more limited negotiating power that a tied tenant who requests a MRO proposal will usually have.
- The MRO proposal should constitute an accessible option for the individual tied tenant; a pub-owning business should not make a proposal on standard terms unless it has considered the particular circumstances of the tied tenant and is satisfied that the terms are compliant in that individual case.

Fiona Dickie, Deputy Pubs Code Adjudicator, said: “Of course we will continue to consider each case on its own facts, keeping an open mind when making a decision. However, we do expect that where a decision on law has been made, that this is respected by both pub-owning businesses and tenants.”

The PCA has also published a [document](#) providing information for tenants who have received a Pubs Code award to help them consider whether there is personal or particularly commercially sensitive information they do not want to be published.

Today’s publication is the first set of awards to be published, with the PCA intending to publish in the public interest further awards to increase industry understanding about how the Pubs Code has been applied in individual cases.