

Press release: Pubs Code Adjudicator makes first arbitration awards

Paul Newby, the Pubs Code Adjudicator, has today announced the completion of the first cases referred to the PCA for arbitration, indicating that the new framework is working to achieve fairness and choice for tenants.

The first cases have been decided and the Adjudicator has made five awards. The numbers of awards will continue to rise as parties conclude their negotiations. Currently over half the accepted cases are at a stage where parties are agreeing procedure between themselves before the process reaches the final stages.

Mr Newby said:

This represents an early milestone for arbitration under the Pubs Code. The bulk of the first referrals for arbitrations were received in October and November and cases have been moving through the arbitration process.

As part of arbitration, parties are encouraged to continue to negotiate and I am pleased to see this process is bringing pub-owning businesses and tenants to the negotiating table. In many cases this is leading to the narrowing of issues, a stronger negotiation position for tenants and swifter settlement.

It shows that arbitration is fulfilling its purpose: tenants and pub-owning businesses are talking and coming to agreement between themselves.

Arbitration awards remain private unless all parties to the dispute agree to release details. As more cases reach award stage I will see where we can identify general principles and make information and advice available to tenants and pub-owning businesses to guide their future relationships.

Some big issues such as what a Market Rent Only compliant tenancy looks like are in the arbitration process. All cases will be considered on an individual basis.

The PCA has robust systems and resources in place to deal with the number of referrals we have received. My team and I are working very hard to progress all referrals.

However, the parties in any dispute have significant control on timing because at each stage of arbitration both tenants and pub-owning businesses have to respond with information or views, or take action independently of the PCA, to allow the process to move forward.

The Code is also new, and inevitably many of the issues raised are the first of a kind and take some time to resolve.

Mr Newby added:

I am also continuing to gather information from tenants, other individuals including MPs, and representative organisations about the Code.

This information is beginning to build up and I am focusing on analysing the information so I have good intelligence to support action I will take. I urge any individual or organisation with information about potential Code breaches to bring that information to me. It will be treated in the fullest confidence.

For further information contact Sheree Dodd office@pca.gsi.gov.uk