

[Press release: Pubs Code Adjudicator publishes further arbitration awards](#)

The office of the PCA has received a positive response to the publication of its initial set of awards at the end of 2018. Putting the arguments and behaviours of pub-owning businesses in the public domain is helping everybody who operates under the Code, and tied pub tenants in particular, to gain an equal understanding of decisions by the Pubs Code Adjudicator and Deputy PCA on what the Code requires. The published awards can be found [here](#).

The PCA and Deputy PCA are encouraged by signs that this exercise in transparency is beginning to create a more Code-compliant environment and one where pub-owning businesses are demonstrating more commitment to the core Code principles. Publication of awards is also facilitating the increased use of alternative arbitrators to resolve cases more swiftly. The office of the PCA will continue to publish awards and urges tied pub tenants and their advisers in particular to use these to keep abreast of issues relating to Code compliance.

The process of publishing awards has, however, been a frustrating one. The office of the PCA has found it extremely difficult in some cases to obtain the consent of the pub-owning business and tied pub tenant to the publication of an award; and there have been lengthy and time-consuming discussions with some parties over what information should be redacted because they consider it is personally or commercially sensitive. In certain cases, redactions have been proposed that go to the substance and effect of the award itself. All of this has not only delayed the publication of individual awards but has also held up publication plans as a whole.

Paul Newby, the Pubs Code Adjudicator cautioned: “We must be able to publish our findings on the conduct and positions of the parties throughout the whole case, so that the industry can have a complete picture of what constitutes compliance. Transparency by way of publication is the surest way to stop pub-owning businesses from arbitrating the same arguments over and over again.”

Fiona Dickie, the Deputy Pubs Code Adjudicator added: “The approach we must see is that claims of ‘commercially sensitive’ information will not undermine the principle of transparency and go beyond what is required to protect legitimate commercial interests. We have made clear our expectations to pub-owning businesses.”

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