

# Update following PCA investigation into Star Pubs & Bars

News story

Next steps following the investigation into Star Pubs & Bars use of unreasonable stocking terms in proposed Market Rent Only (MRO) tenancies



The Pubs Code Adjudicator (PCA) recently published the findings of its investigation into Star Pubs & Bars in which it found that Star had committed a total of 12 breaches with the result that it had frustrated the principles of the Pubs Code. As well as identifying how the company had offered stocking terms that had acted as a deterrent to tenants pursuing a free-of-tie tenancy, the PCA highlighted systemic corporate failures by Star in its approach to compliance.

Following the investigation into Star, the PCA has:

- Made 8 recommendations telling Star what they must do to make good the harm caused to tenants and to ensure that they comply with the Pubs Code (summarised below)
- Said that it will require Star to publish a letter on its website to all its tenants explaining the findings in the investigation report, what Star will do in response to the recommendations and how these measures will affect tenants from a practical point of view
- Imposed a £2 million financial penalty on Star

Star were required to report to the PCA directly, within 6 weeks, with their proposed measures to comply with the recommendations. The PCA has now received Star's implementation plan and is currently engaging with them, including a meeting before the Christmas break, to ensure that the plan is appropriate to enable the recommendations to be implemented effectively. This

will include an appropriate timetable for writing to tenants

The PCA will publish progress updates relating to the plan and monitoring delivery on the PCA's website.

The PCA's recommendations are summarised below.

Recommendations 1-7 focus on improvements Star must make to its current and future behaviour.

Recommendation 8 focuses on actions Star must take relating to tenancies that are already completed.

**Recommendation 1:**

- When making a MRO proposal Star must follow PCA advice and guidance, have evidence for the reasons why its offer is reasonable, take into account and record the factors it has relied on.

**Recommendation 2:**

- When serving a MRO proposal and when negotiating with tenants, Star must be transparent and provide tenants (or their representatives) with the evidence supporting its grounds for reasonableness.

**Recommendation 3:**

- When Star receives an arbitration award relating to compliant MRO terms or new PCA advice, guidance or investigation outcomes, Star must be proactive in considering whether MRO proposals in negotiation or arbitration contain non-compliant stocking terms. Star must be straight with tenants about that non-compliance, offer a new proposal, be as open as it can on the reasons for the change and ensure any policies and templates are updated.

**Recommendation 4:**

- Star's Code Compliance Officer (CCO) role must be sufficiently supported and independent to enable the CCO to challenge decisions that may be non-compliant with the Code. The CCO's job description should ensure the requirements of the CCO role are upheld and given primacy above other objectives.

**Recommendation 5:**

- Star must implement a monitoring system that supports the CCO's statutory duties under the Code. Any new system must provide for independent monitoring, further improvements to be made and a framework which evidences the effectiveness of Star's approach.

**Recommendation 6:**

- Star must ensure that its record-keeping and administrative systems can

support and evidence Star's Code compliance.

**Recommendation 7:**

- In the next annual training cycle Star must train all its work force on the findings from the investigation.

**Recommendation 8:**

- Star must carry out an audit of its completed MRO tenancies to identify any non-compliant stocking terms (because they do not fall within the definition of a stocking requirement or are unreasonable and non-compliant given the report findings). Star must offer to change those terms (or agree not to enforce them) without cost to the tenant.

End

Notes

[Investigation report](#)

Published 22 December 2020

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## [Ilkley gets green light for first river bathing site in England](#)

Part of the River Wharfe in Ilkley will be added to the list of bathing waters in England from 2021.

This follows a public consultation which ran from 7 August to 2 October 2020 on designating the area of the River Wharfe which runs between Ilkley Main Bridge and Beanlands Island at Ilkley in Yorkshire. It is a popular swimming and paddling spot for both local residents and visitors to the area.

The new status means that the Environment Agency will regularly take samples from the river to assess whether action is needed to cut bacteria levels, helping to ensure the water is cleaner and safer for swimmers, and improve the Wharfe's water quality. Monitoring will begin from May 2021.

Today's announcement comes as Yorkshire Water confirmed a new partnership to improve water quality in the River Wharfe, bringing together the Environment Agency, Bradford Council, National Farmers Union (NFU), Yorkshire Wildlife Trust and landowners upstream of Ilkley.

It has also set out plans to reduce storm overflow discharges into the river by 20%, increasing the use of smart tech to predict and prevent pollution

incidents.

Environment Minister Rebecca Pow said:

The residents of Ilkley and the surrounding area have shown their overwhelming appreciation for the River Wharfe as an asset to enjoy and protect. I am delighted that this stretch of river will be the first river to host a designated bathing water site.

Unfortunately, we all know that water quality won't change overnight. It will take time and we need farmers and businesses to commit to achieve the necessary improvements. I am pleased to see Yorkshire Water stepping forward with new proposals today to help move things in the right direction.

The Environment Agency has been monitoring at bathing water sites on the coast and at certain lakes since the 1990s, and in this time there have been significant improvements to water quality. In 2019, 98.3 per cent of England's bathing waters met the minimum bathing water standard and for the first time since the relevant regulations were brought into force, more than 70 per cent of bathing waters achieved the highest standard

Responses to the consultation were received from a wide range of interested parties across the country, including Ilkley residents, NGOs, conservation groups and local water company Yorkshire Water.

In total there were 1073 replies, the largest response to date for a proposed bathing water designation, with 998 of respondents in favour of making the site a designated bathing water area.

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## **Situation of British Nationals abroad due to COVID-19**

World news story

The UK is working with international partners to understand where and how British travellers have been affected and to minimise disruption as far as possible.



Nick Whittingham, British Ambassador to Guatemala, said:

Country-specific travel restrictions are a matter for each country's own government. Our overriding concern is always the safety and security of British nationals. We are in close touch with international partners and monitoring the situation closely. We are not aware of large numbers of travellers stranded in Guatemala at this time. British travellers should follow the guidance and requirements of the country they are in, and speak to their airlines for the latest travel options in the first instance, whilst we work to ensure commercial routes to the UK remain open. Information will be updated constantly in our [website](#) and social media channels.

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## [Seeking cooperation in order to achieve a two-state solution](#)

Thank you, Mr President, and thank you to Special Coordinator Mladenov for his briefing. As others have done, I'd like to pay tribute to his tireless work in this role to de-escalate tension and advance peace between the parties to the Israeli-Palestinian conflict. I look forward to continuing to work with Nikolay Mladenov in his new role and to welcoming his successor.

Mr President, let me first express the UK's sadness at the death of the Palestinian child, Ali Ayman Abu Alaya, following clashes between the Israel Defense Forces and Palestinian civilians. We have urged Israel to ensure that its investigation is swift and comprehensive. Unfortunately, the death of Abu Alaya is not an exceptional occurrence. He is the most recent of 23 Palestinian civilians to have been killed by Israeli forces in the West Bank this year. The toll is unacceptable, and the UK continues to urge restraint

in the use of live fire and potentially lethal force by Israeli forces. We also condemn the killing of an Israeli civilian by a Palestinian in the same period.

As the Secretary-General's report notes, throughout this year, we have seen further settlement advancement, including in highly sensitive areas around East Jerusalem. We have seen the highest level of demolitions of Palestinian homes and structures since 2016 and ongoing evictions of Palestinians from their homes. In East Jerusalem hundreds are at risk, including those eight families facing imminent eviction in Silwan. The United Kingdom's position on these issues is clear and well known. Settlements are illegal under international law. They are an obstacle to peace and they undermine the physical viability of the two-state solution. Demolitions and evictions in all but the most exceptional of circumstances are illegal under international law and cause unnecessary suffering to ordinary Palestinians. We urge the government of Israel to cease these policies in order to build confidence with the Palestinians and encourage the pursuit of dialogue.

However, as resolution 2334 recognises, settlements are not the only obstacle to peace. The people of Israel deserve to live free from the scourge of terrorism and anti-Semitic incitement, which gravely undermine the prospects for a two-state solution. It is critical that the Palestinian leadership continue their efforts to tackle them. We also condemn violence by Israeli settlers against Palestinians. The Israeli security forces must provide appropriate protection to the Palestinian civilian population.

Mr President, I would like to raise the Commissioner General's urgent call for additional funding for UNWRA. The UK has contributed £51 million, or approximately \$69 million, to UNWRA in 2020 and engaged closely with the Commissioner General. We call on states who have cut their funding in recent years to support UNWRA now. We must do what we can to deal with the immediate needs of refugees throughout the region, to preserve stability and to ensure that those in need do not suffer. We are clear that we must work with UNWRA in the longer term to help them to reach a secure and sustainable financial footing.

Mr President, recent Arab-Israeli agreements have shown that dialogue triumphs over hostility. We as the international community must now work with the parties alongside the incoming US administration to ensure that the closer ties and benefits of these normalisation agreements are also extended to the Palestinians. We urge the Israeli and Palestinian leadership to also enter into a political dialogue, with the goal of ending the occupation and delivering a two-state solution.

To conclude, Mr President, unilateral steps will not deliver peace, a settlement to the conflict must be negotiated directly and reflect the religious and national interests of both the Israeli and Palestinian peoples. Compromise will be needed on both sides. The U.K. continues to believe that a two-state solution is the only viable long term solution. It is the only way to end permanently the Arab-Israeli conflict and preserve Israel's Jewish and democratic identity. As we move into a new year and a new era for the region, the international community must redouble its efforts to support the Israeli

and Palestinian leadership in delivering this peace for both their peoples.

Thank you.

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## Operation Brock to be deployed in Kent tonight

The company said any HGVs which arrive in Kent tonight will be diverted to Manston Airport to park.

Operation Brock is being set up tonight on the M20 motorway in Kent as part of a plan to keep traffic moving on the M20 during periods of cross-Channel disruption. It involves using a contraflow road layout on the M20 London-bound carriageway between junctions 9 and 8 (from Ashford to Maidstone) and directing lorries heading for mainland Europe onto the coastbound carriageway, where they can be queued if necessary.

A long concrete moveable barrier is put in place to allow the contraflow to happen safely.

Operation Brock will replace Operation Stack, which was activated overnight on Sunday as an initial response after the French government's announcement that it would not accept any passengers or hauliers arriving from the UK for a period, and the subsequent closures of the Port of Dover and Channel Tunnel.

Operation Brock opens up more of the road network in Kent because it means traffic can continue to move in both directions on the M20, whereas Stack effectively closes it to coastbound traffic.

Hauliers are advised to avoid travelling to Kent as disruption could last for several days.

The moveable barrier will be installed on the M20 tonight and will create a new layout with a contraflow system reopening the M20 in both directions. Once deployed, this will allow traffic to continue travelling in both directions on the motorway at the same time as port bound HGVs are queued, if necessary, on the coastbound carriageway until they can travel through to the Port of Dover or Eurotunnel.

The barrier was recently successfully tested and is part of a series of measures – known as Operation Brock – aimed at keeping the M20 open in both directions during periods of cross-Channel disruption.

To make sure the barrier is deployed and removed safely, the M20 will be closed coastbound between junction 7 (for Maidstone) and junction 9

(Ashford), and London-bound between junctions 9 and 8 (Maidstone East), overnight tonight (8pm to 8am). The M20 will reopen by 8am Tuesday morning with the new road layout in place. Whenever the M20 is closed, signed diversions will be in place.

### **What will the M20 look like from Tuesday morning?**

- The M20 will close in both directions overnight between junctions 7 and 9 (coastbound) and junctions 9 and 8 (London-bound) tonight (Monday 21 December) for the installation of the moveable barrier.
- Depending on traffic levels, the M20 should reopen by 8am on Tuesday 22 December, with the contraflow in place. Drivers will need to follow the different layout on the M20 from just north of Junction 8 (for Hollingbourne/Leeds) to Junction 9 (Ashford). Lorries heading for mainland Europe could be routed down the coastbound carriageway, with a 30mph speed limit in place. All other traffic will be directed onto the contraflow, with two lanes in each direction operating at 50mph.
- Operation Brock will remain in place until further notice

### **General enquiries**

Members of the public should contact the Highways England customer contact centre on 0300 123 5000.

### **Media enquiries**

Journalists should contact the Highways England press office on 0844 693 1448 and use the menu to speak to the most appropriate press officer.