



**Pubs Code
Adjudicator**

What Tied Pub Tenants Need To Know

**Business Development
Managers and Code
Compliance Officers**



How to use this factsheet:

This factsheet is for tied pub tenants who want to know more about the duties of pub-owning businesses in relation to **Business Development Managers and Code Compliance Officers**.

It provides information to support tenant understanding. It is not a substitute for the Pubs Code legal framework.

Our website contains other useful information about accessing your Pubs Code rights and the PCA's role as regulator in enforcing those rights:
www.pubscodeadjudicator.org.uk

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At a glance... BDMs and CCOs:

A Business Development Manager (BDM) under the Code is anyone who represents the POB in negotiations with you in matters including your rent, repairs at the pub and your current and future business plans. The POB must make sure that their BDM deals with you in a fair and lawful way and gives you appropriate notes of your discussions with them.

A Code Compliance Officer (CCO) is someone the POB employs whose role is to verify the POB's compliance with the Pubs Code. They should be reasonably available to you to discuss the Pubs Code.

Terms and abbreviations

Term/abbreviation	What it means
Code	The Pubs Code etc. Regulations 2016
PCA	Pubs Code Adjudicator
POB	Pub-owning Business (often referred to as pub companies)
TPT	Tied Pub Tenant (this includes a tied pub licensee and lessee)
BDM	Business Development Manager
CCO	Code Compliance Officer
Rent Assessment	An assessment of the rent you must pay in relation to an existing tenancy in accordance with Part 4 of the Pubs Code.
Rent Proposal	A proposal made in accordance with Part 3 of the Pubs Code
Pubs Code Framework	The legal framework that regulates the relationship between the large pub-owning businesses and their tied pub tenants. It is made up of the Small Business, Enterprise and Employment Act 2015 (Part 4), The Pubs Code etc Regulations 2016 (as amended), and The Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016.



Business Development Managers (BDMs)

See Pubs Code – **Regulation 41**

What is a Business Development Manager?

A Business Development Manager (BDM) is someone who a Pub-owning Business (POB) employs as such, as well as anyone else who represents the POB in negotiations with you in connection with:

- Rent proposals
- Rent assessments (or assessments of money payable instead of rent)
- Repairs to the tied pub premises
- Matters relating to your current or future business plans

What must the POB do in relation to its BDMs?

The POB must:

Provide you with information about the role of the BDM and the support and guidance which the BDM will give you

and ensure the BDM:

Deals with you in a fair and lawful manner

Takes appropriate notes of discussions with you

The requirement to take notes covers any discussions in connection with:

- Rent proposals
- Rent assessments (or assessments of money payable instead of rent)
- Repairs to the tied pub premises
- Matters relating to your current or future business plans



The BDM must provide you with a record of the discussion within 14 days (from the discussion).

They must ask you to respond to them if you disagree with any aspect of the record within 7 days (from the day you receive the record.)



What else does the Code require the POB to do?

The POB must ensure the BDM receives **a copy of the Pubs Code** before they liaise with tied pub tenants over any Code related matters.

It must also ensure the BDM has **appropriate training**:

- before conducting a rent assessment (or assessment of money payable instead of rent); and
- in relation to the Pubs Code requirements at least once every 12 months.

The POB must also publish a document specifying its **commitment towards the continuous professional development and improvement of its BDMs** and how it proposes to fulfil this commitment (referring where appropriate to relevant qualifications and training).

The POB has not done what the Code requires in relation to BDMs. What can I do?

If you disagree with any aspect of the BDM's notes of your discussion (e.g. if they are inaccurate or incomplete) you should let the BDM know within 7 days (the Code says the BDM must invite you to do so).

If the POB does not comply with the Code requirements in relation to BDMs, you may **refer the matter for arbitration**. Note: you **cannot** make an arbitration referral in relation to the BDM training and development requirements on the POB.

If you do not think the POB has complied with the Code, you may be able to resolve matters without the need for arbitration. You can raise any Code matter with the Code Compliance Officer, whose role it is to verify the POB's compliance with the Pubs Code (see next section).

To make an arbitration referral you must:

1. **Notify the POB** of the alleged non-compliance.
2. Allow **21 days** to pass beginning with the date you notified the POB.
3. Make an arbitration referral within **4 months** beginning with the date you could have first made the referral.



For **more information** about:

Making a Pubs Code arbitration referral [visit our website](#)

Getting help and support with the Pubs Code and arbitration, see our helpful [factsheet](#)

Code Compliance Officers (CCOs)

See Pubs Code – Regulation 42

What is a Code Compliance Officer?

A Code Compliance Officer (CCO) is someone employed by the POB who is suitably qualified and whose role is to verify its compliance with the Pubs Code. The CCO must be independent of the BDMs and cannot be managed by them.

The Pubs Code requires each POB to appoint a Code Compliance Officer.

The **contact details** for each CCO are available on our website [here](#).

What must the POB do in relation to its CCO?

The POB must ensure the CCO is:

- **Reasonably available to you (or anyone acting for you) if you have a query about the Pubs Code.**
- **Entitled to discuss with you the reasons for any decisions the POB makes under the Pubs Code - this includes contacting the BDM to discuss such matters.**

What else does the Code require the POB to do?

The POB must ensure the CCO has the **necessary resources** to carry out their role. This includes having information relating to the POB's obligations under the Pubs Code.

The CCO must be entitled to **discuss with the PCA** the POB's compliance with the Code.

The POB's obligations also include ensuring the CCO submits an **annual compliance report** to the PCA (for which the CCO must maintain a record of BDM training).



The POB must not subject you to any detriment for using the Pubs Code

See Pubs Code – Regulation 50

Your POB must not subject you to any detriment because you exercise, or try to exercise, any right under the Code. You can report this to the POB's CCO or make an arbitration referral if appropriate.

Unenforceable terms

See Pubs Code – Regulation 57

Any term in your tied agreement that penalises you for requiring the POB to act, or not act, in accordance with your Code rights cannot be enforced.



Questions about this factsheet

For **general queries** about the information in this factsheet, you may contact our enquiry service.

Please note, we can provide information about your rights, the Code and our processes. We cannot advise you about your case.



Complete our [online enquiry form](#)



Email: office@pubscodeadjudicator.gov.uk



Call 0800 528 8080 to request a call back

This factsheet provides information to support tenant understanding. It is not a substitute for the Pubs Code framework.

You may find it helpful to take independent professional advice before making any decisions that may affect you and your business.

Find out more

Follow the PCA on social media @pubscodepca



[Access all PCA factsheets here](#)

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