

## **What Tied Pub Tenants Need To Know**

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# **Getting Help and Support with the Pubs Code and Arbitration**



## How to use this factsheet:

This factsheet is for tied pub tenants who are considering referring a Pubs Code dispute to arbitration and may want to get help and support.

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.pubscod adjudicator.org.uk](http://www.pubscod adjudicator.org.uk)



## At a glance... getting help and support with the Pubs Code and arbitration:

If you have referred a Pubs Code dispute to arbitration, you may want to get help and support.

This factsheet sets out the types of support that tied pub tenants can access to assist with Pub Code disputes and arbitration, and some factors you should consider when choosing a service provider.

## Help and Support

Getting the right support at the right time can help to:

- ✓ manage your case properly and efficiently
- ✓ get the best outcome
- ✓ reduce costs

We understand it can be hard to know where to start if you want to access your Pubs Code rights, and that it can be worrying if a dispute goes to arbitration. You may be unfamiliar with the Pubs Code or arbitration in general. The Pubs Code also includes strict timescales that you must meet.

## Where can I find help on the Pubs Code?

The Office of the Pubs Code Adjudicator can provide information about your rights, the Pubs Code, and its processes. We cannot advise you about your case.



Visit our **website** [www.pubscodeadjudicator.org.uk](http://www.pubscodeadjudicator.org.uk)



Email: [enquiries@pubscodeadjudicator.gov.uk](mailto:enquiries@pubscodeadjudicator.gov.uk)



Call our **Enquiry Line** on **0800 528 8080**

Monday to Thursday 9.30am to 5pm and Friday 9.30am to 4pm



## Who can help if there is a dispute that goes to arbitration?

It is important that you trust the person you instruct to help you and are content they can offer support that is of **help to you in your individual circumstances**.

There is no regulation of those providing assistance, unless they have a professional background and are authorised by the appropriate regulating body e.g. a chartered surveyor, accountant, solicitor, or barrister.



### Representatives

A representative can be a professional or someone such as a **family member or friend**. They can act on your behalf, such as sending and receiving correspondence. If you **attend a hearing**, you may have someone with you to support you, even if you are acting for yourself.

A “**McKenzie friend**” offers advice and support, usually in court proceedings. It may be someone from a voluntary organisation or they may charge for their services. They do not need to be legally qualified or trained, although some might be.



### Trade Associations or Citizens Advice

These organisations may be able to offer you support for free or provide information about where to find help.

**The British Institute of Innkeeping (BII)** provides business and professional support for people working in the licensed hospitality industry.

All tied pub tenants of the regulated pub-owning businesses are members of the BII. The BII supports panels of independent accredited professional advisers.



### Professional Advice and Support

You may wish to seek help from a professional who has knowledge and experience of the Pubs Code and its processes. Personal recommendations can be a good place to start. It is helpful to speak to more than one provider to compare the cost and services on offer.



## What should I consider when finding a service provider?

### Cost

Ask how much you will have to pay before taking advice or agreeing to work being done. Each service provider will have their own charges and payment arrangements so consider comparing different providers.

Once you have instructed a service provider to do work, they may charge you for reading and replying to correspondence. Costs can quickly build up, so think carefully about how much you can afford and how much you want to spend. Check if you have **insurance policies** (including household policies)

#### Helpful questions to ask:

- Will I pay a fixed amount or an hourly rate?
- How much am I likely to pay overall?
- What work is included in the cost?
- Will I have to pay upfront or when the work is done?
- How often will I be billed?
- Are there costs payable to third parties (often called “disbursements”)?
- How much will I be charged for emails, letters and telephone calls?

### Knowledge and experience

The Pubs Code raises matters which often include new or technical issues of law, valuation, or commercial issues. You should be satisfied the service provider is knowledgeable in the relevant areas and can support you with your business decisions.

#### Helpful questions to ask:

- What is your expertise and how will this help me with my case?
- What type of work have you done before?
- What success have you had in similar matters?

### Protection if something goes wrong

Professionals such as solicitors, barristers, chartered surveyors and accountants have a regulatory body. This usually means they hold professional indemnity insurance if something goes wrong. You may want to ask the service provider about the level of insurance cover they have or ask to see their current insurance certificate. Some service providers may offer access to compensation schemes.



### Helpful questions to ask:

- Are you/your company subject to professional regulation?
- Am I protected against financial loss if you do something wrong?
- Are you insured and/or do I have access to a compensation scheme?
- What is the amount of your professional indemnity insurance cover?
- Do you work under a regulatory or voluntary code of conduct?
- What is the procedure if I want to raise a complaint?
- Do I have access to an Ombudsman or alternative dispute resolution scheme if you cannot resolve my complaint?

## Service

Your service provider should be someone you trust to act in your best interests. They should clearly explain what is happening and tell you about the risks, such as whether you might have to pay the other side's costs.

It is important that your service provider gives you enough information to help you make informed decisions. They should help you weigh up the risks and benefits of taking any action. As there can be short deadlines to meet, your service provider should be someone who can deal with correspondence for you in a timely manner.

### Helpful questions to ask:

- What documents and instructions do I need to give you?
- What is the chance of success?
- What are the risks of going ahead?
- Does the chance of success outweigh the risks and the cost?
- How often will you update me?

## Arbitration should be the last resort . . .

Try to **reach an agreement** with the pub-owning business to resolve the dispute.

This can:

- avoid the need for arbitration
- find a satisfactory outcome for both parties
- save to **time and money**



## 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](mailto: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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