



Campaign for Pubs

Promote, Support and Protect Pubs

Fiona Dickie
Pubs Code Adjudicator
Lower Ground
Victoria Square House
Victoria Square
Birmingham
B2 4AJ

6th November 2020

Dear Fiona,

URGENT – Serious issues regarding your decision to suspend the Pubs Code

We are writing regarding your announcement that you have agreed with the regulated pub-owning businesses (POBs) that the same declaration you used in the previous national UK lockdown to suspend Statutory Pubs Code deadlines should apply to the imposition of the lockdown of England, from 5 November.

We question your rationale for this and the legal basis upon which you have acted to permit a statutory suspension. We believe you should publish any legal advice you have taken and ask you to do so or say it you took no legal advice. We note that you have not updated your Guidance “Covid-19 and Trigger Events under the Pubs Code” of 10 July 2020.

The key difference between UK nationwide Covid measures that clearly equally affect all pubs covered by the Pubs Code and devolved (home) nation lockdowns and restrictions is very profound in Pubs Code terms. Most notably, the different restrictions and different situations in England and in Wales and the fact that this lockdown applies only to England mean that these events are ***now triggers for a Market Rent Only (MRO) option in terms of Regulation 7 of the Pubs Code.***

This is because Condition C, which does not permit MRO if the event likely affects all pubs in England and Wales, is **not** met as the different lockdown and restriction paths now being taken by the English and Welsh Governments clearly generate different impacts for pubs in England and for pubs in Wales.

We consider that this effectively means that every tied pub in England and Wales now has the right to trigger MRO.

Furthermore, there is no rationale whatsoever to suspend the Pubs Code for pubs in Wales which are unaffected by the lockdown of England.

We would urgently ask you to withdraw your agreement to the declaration and to update your guidance to inform all tied tenants of the regulated POBs that they can trigger MRO due to the different situation for pubs in England and for pubs in Wales.

We look forward to hearing from you as a matter of urgency.

Yours sincerely,

Gary Murphy
PCA Liaison Officer

Greg Mulholland
Campaign Director

Campaign for Pubs, The Volunteer Arms, 5 Watson Street, Holgate, York YO24 4BH

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