



Pubs Code
Adjudicator

What Tied Pub Tenants Need to Know

Trigger Events



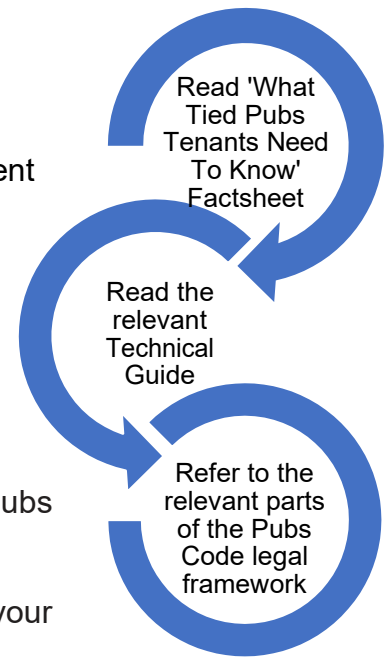
How to use this factsheet:

This factsheet is for tied pub tenants who are considering whether a trigger event has occurred as a route to requesting a Rent Assessment or Market Rent Only option.

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

You can find [technical guides](#) on our website which provide more detailed information about the Pubs Code provisions. We recommend that you refer to these guides if you would like more information and/or are considering accessing your rights under the Pubs Code.

Our website also contains other useful information about accessing your Pubs Code rights: www.gov.uk/pca



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
MRO	Market Rent Only
MRO Option	The option for you to occupy the tied pub under a MRO-compliant tenancy and to pay a rent you have agreed with the POB in line with the MRO procedure or, failing such agreement, the market rent.
Rent Assessment	An assessment of the rent you must pay in relation to an existing tenancy.
RAP	Rent Assessment Proposal (a proposal made in line with Part 4 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, and The Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016.

Trigger Events

A trigger event is an event that will have a significant impact on the trade of your pub and meets certain **conditions** set out in the Pubs Code.

What does a trigger event allow me to do?

A trigger event entitles you to ask your pub-owning business (POB) for:

- A Rent Assessment - which begins with a Rent Assessment Proposal (RAP) for a new tied rent; and/or
- A Market Rent Only (MRO) option to rent your pub on a free-of-tie basis.

A trigger event is one of four gateways to request a MRO option (called 'MRO events'). You can find out more about the other MRO events [here](#).

What are the conditions for a trigger event?

The event must either affect:

- only your pub; or
- other pubs in the local area but be unlikely to affect all pubs in England and Wales.

Where the event affects other pubs in the local area, it must directly relate to a change in the tie that the POB has imposed on the pub or have an effect which is directly related to local area changes. These might be changes to:

- local infrastructure
- local employment
- long-term changes to the local economic environment
- local environmental factors

The trigger event **must also meet all the following tests:**

- It results in a decrease in the trade that your pub could reasonably be expected to achieve each month for a continuous 12-month period.
- It was not reasonably foreseeable when the tenancy was granted, or when any rent assessment (or money payable instead of rent) was last concluded.
- It is beyond your control and not an event you could have reasonably prevented, or substantially mitigated the effect of.

It cannot be an event that is:

- connected to your personal circumstances (for example your health, your family or your relationships).
- related to an increase in the price at which a tied product or service is supplied to you due to circumstances beyond the POB's control, such as an increase in:
 - the price at which the POB buys the product or service
 - the tax or duty it has to pay because of buying the product or service
 - any other tax or regulatory cost that the POB has to pay which affects its costs
- one of the other MRO events:
 - a significant increase in the price at which a tied product or service is supplied to you (which also gives you the right to request a rent assessment)
 - a tenancy renewal
 - the receipt of a RAP

I think there has been a trigger event - what do I need to do?

There are a number of steps you must take if you think there has been a trigger event.

To show there has been a trigger event you must first send your POB a written analysis of the forecasted level of trading of your pub. This forecast must cover a period of at least the next 12 months. This is your **relevant analysis**.

There are **strict deadlines** that apply to many Pubs Code processes. Please refer to the relevant [factsheets](#) on Rent Assessments or the MRO option for information on the trigger event timescales. Tenants are strongly advised to seek independent advice from a qualified professional when considering and preparing a relevant analysis.

If you and the POB disagree that you are entitled to a Rent Assessment or the MRO option, you can make an **arbitration referral** to the PCA within strict time limits. Please see the relevant factsheets for more information.

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](http://www.gov.uk/pca) at www.gov.uk/pca



Email: enquiries@pubscodeadjudicator.gov.uk



Call **0800 528 8080**

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

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.

