

FOI Release

Information released under the Freedom of Information Act

Title: Pubs consultation April 2013 — amusement with prizes machines

Date of release: 7 August 2013

Information request

The requestor made 10 requests for information relating to amusement with prizes machines (AWPMs) in the context of the Pubs Consultation. These include:

- * The number of calls to the BII referred to in paragraphs 4.12 and 4.13 that were complaints, rather than requests for information, from tenants regarding AWPMs; and how many related specifically to Enterprise Inns?
- * Any evidence government has considered regarding the impact that removal of AWPM ties would have on HMRC revenue from Machine Gaming Duty; in particular, in light of industry data showing that AWP income in tied pubs is approximately 30% more than from a free-of-tie pub.
- * Evidence to support government reasoning that the prohibition of AWPM ties should in effect be applied only to tenants of pub companies with more than 500 pubs.
- * Evidence that tied tenants with an AWPM tie are worse off than free-of-tie tenants.
- * Evidence of any advice taken by government relating to possible anti-competitive effects of a prohibition of AWPM ties in the specific subgroup of tied pubs.
- * Whether government considered that if the AWPM tie or revenue sharing agreement were to be abolished, many pub tenants would be prohibited from operating AWPMs in their pubs due to their pub tenancy agreement, thereby potentially reducing both their source of income and the attraction of that pub for a proportion of its customers. In particular, whether government considered the competitive disadvantage in which tied tenants who do not have the option of entering into a commercial AWPM tie or revenue sharing agreement would be placed in comparison with competing tenants of smaller pub companies who are permitted to operate an AWPM tie.
- * Evidence of any advice taken by government on the potential impact on gaming competition that a prohibition on AWPM ties would have for pubs that, without the possibility of a revenue sharing mechanism for AWPM income, would not be permitted, under the terms of their tenancy, to operate an AWPM; in particular, as a result of customers being driven out of pubs to other high street premises, such as Licensed Betting Offices establishments, in order to use AWPMs.

* Any evidence considered by government in relation to criminal practices associated with AWPMS.

* Also, source(s) of the information for all the above requests.

Information released

This request is one of a number of FOI requests relating to Pubs that BIS has received. Many of the documents provided as an answer to this request are also relevant to the others. Therefore, rather than repeat the same documents many times, documents relevant to all these Pubs-related FOI requests have been listed together in a single file of 149 documents.

The large majority of these documents either have no redactions or only redactions made under s.40 of the FOI Act relating to withholding of certain personal information. However, some documents have been redacted either wholly or in part because of one or more of the other exemptions provided by the Act. Ten documents in the attached file (nos 28-37) contain redactions under one or more of these other exemptions. In each case the document shows clearly where text has been redacted and which exemption is being used.

The exemptions that have been used are as follows:

* s.21 exempts information from the right of access if that information is reasonably accessible to the applicant by other means.

* s.35 covers information that 'relates to' -

(1)(a)— formulation or development of government policy,

(1)(b) — ministerial communications,

* s.36 exempts information if disclosure would prejudice -

(2)(a)(i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or

(2)(b) inhibit i) the free and frank provision of advice, or ii) the free and frank exchange of views for the purposes of deliberation;

* s.40 exempts the release of personal data where disclosure would breach the Data Protection Act 1998.

* s.41 provides an exemption if release would constitute an actionable breach of confidence.

* s.43(2) exempts information, disclosure of which would be likely to prejudice the commercial interests of any person.