

FOI Release

Information released under the Freedom of Information Act

Title: Pubs consultation April 2013 — Jo Swinson’s interview with Mike Benner, Chief Executive of the Campaign for Real Ale

Date of release: 7 August 2013

Information request

The requestor made 21 requests for information relating to statements by Minister for Employment Relations and Consumer Affairs, Jo Swinson, in her interview with Mike Benner of CAMRA as part of the consultation on pub companies and tenants. These requests include:

- * Evidence for the “apparent unfairness and abuse” suffered by “many tenants” and the names of those tenants and their associated pubs; the extent to which pubs are under threat from various socio-economic factors acknowledged in the consultation paper as opposed to “apparent unfairness and abuse.”; whether the Minister or BIS had investigated the underlying facts of every individual allegation and, insofar as this had been done, to what extent had beer prices and rent – as opposed to other factors – been the true reason the pubs were under threat.
- * Whether the Minister or BIS had had regard to the tax implications of the proposals in the Consultation.
- * The source of data for the statement that “almost half of tied lessees earn less than £15,000 a year”, an explanation of how the data accounted for the inclusion of accommodation and other benefits, the number of tied publicans questioned in the sample and the location of their pubs.
- * Details of the “so many people” – and their pubs – who had complained to the Minister or BIS of “unfair practices”, together with evidence to support allegations of rough deals on rent, beer prices and other unfair practices.
- * An explanation of “the change in position between November 2011, when the government stated that the industry was committed to self-reform and did not indicate any view that self-reform was expected to be inadequate, and January 2013, when [Vince Cable] announced that the government would be consulting in the spring of 2013 on a statutory code and independent adjudicator.”
- *.Details of “some stories where that relationship does break down and doesn’t seem to be working as fairly as it should”; whether the Minister or BIS had considered them as evidence in the Consultation; how a statutory code and adjudicator would serve the industry better than the current voluntary system and how BIS is reconciling their introduction with the spirit of the Deregulation Bill.

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.

We received some questions about the Pubs Consultation which did not request recorded information and were therefore out of scope of the FOI Act. We have however created a 'Questions and Answers' document – the first one listed in the file of documents – to respond to these questions.