

FOI Release

Information released under the Freedom of Information Act

Title: Pubs consultation April 2013 — consultation paper

Date of release: 7 August 2013

Information request

The requestor made 76 requests for information relating to the Pubs consultation paper, including:

Details of contributors and authors responsible for drafting the paper.

Evidence to support various statements in the paper relating to:

- * Treatment of tenants by pub companies, including large unjustified rent increases, complaints, serious concerns and hardship, and the proportion of these affecting tenants tied to companies with more than 500 pubs vis-à-vis smaller companies.
- * The self-regulatory approach not working and not being sufficiently far-reaching, concerns increasing over the past 10 years, the model of the Groceries Code Adjudicator being widely welcomed and the need for Government action to create a level playing field.
- * The basis on which publicans select their pubs, concerns over their literacy levels and the claim that the beer tie makes it tougher for tenants to know if they are getting a good deal; also assertions and suggestions about various types of tie and options and the impact of changes to them.
- * Royal Institute of Chartered Surveyors guidance not being followed, PIRRS and PICAS arbitration/redress schemes not being effective for some tenants.
- * The level of microbrewers' sales to local, free-of-tie pubs.

Also copies of letters to MPs and representations to the BIS Select Committee, reports to Government concerning unfair behaviour and sources of statistics and other information.

What is considered “a genuinely quantifiable” SCORFA? Which fundamental issues of risk and reward need to be addressed in a Statutory Code? What would be the criteria for a “reasonable ground” to suspect a pub company of breaching the Code and what breaches would be considered “minor” and “most severe”?

Various questions relating to the funding of an Adjudicator.

Studies, reviews, reports, correspondence, internal memoranda, etc relating to Enterprise Inns that were used by BIS in the formulation of the consultation paper.

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.