

FOI Release

Information released under the Freedom of Information Act

Title: Pubs consultation April 2013 — foreword

Date of release: 7 August 2013

Information request

Evidence to support the Secretary of State's assertions in the foreword to the Pubs consultation paper that:

- * The self-regulatory approach announced in November 2011 has not been sufficiently far-reaching, with many individual publicans continuing to face significant hardships and difficulties;
- * The activities of major pub companies, with their high leverage business model, have intensified the crisis;
- * Well-managed popular pubs "in our constituencies" are being driven to the wall by exploitive financial practices. Plus the name and location of the specific pubs referred to;
- * The evidence he has received makes it clear that in too many cases tenants are being exploited and squeezed, through a combination of unfair practices, lack of transparency and a focus on short-termism at the expense of the long-term sustainability of the sector.

Also any studies, reviews, reports, correspondence, internal memoranda or other information prepared or held by BIS which are or include opinions or intentions expressed with regard to Enterprise inns and were used by BIS in the formulation of the foreword to the 2013 Consultation.

Also sources of all the above requested information.

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.