



# Campaign for Pubs

Promote, Support and Protect Pubs

Paul Scully MP  
Parliamentary Under Secretary of State  
(Minister for Small Business, Consumers and Labour Markets)  
Department for Business, Energy & Industrial Strategy  
3 Whitehall Place  
London  
SW1A 2AW

9<sup>th</sup> April 2021

Dear Paul,

## **Outdoors Only opening – confusion of guidance and urgent clarification needed**

We are writing as a matter of urgency as there remains confusion surrounding the guidelines for outdoors only opening, which is causing a real issue for pubs affected.

Some publicans are dismayed that having put in place plans to open next week, that they are now unsure about Government rules, worried about how they may work and in some cases are facing opposition or interference from some councils, which actually jeopardises or even prevents them opening at all.

These are key issues raised with us:

### **1. Rule of 6 – two different households**

The Government guidance allows 6 people from different households to meet outside (including within compliant structures), which is very important, indeed essential to make outdoors only opening viable at all. Yet some councils are stating that 6 people from different households must be socially distanced from each other. This is surely not what the Government intended and indeed any such additional rule, means that in reality, people from different cannot actually meet, as they would not be able to sit at the same table (and with mandatory table service, this is the only way they allowed to meet).

So we urge you to clarify, immediately, that the rule of 6 allows people from different households to meet and to sit at a table, to order, as must be the intention of the Government – and that councils must not and cannot further insist on social distancing for such a group, which then renders this whole rule as unworkable.

Without this, there will be confusion and indeed problems and arguments when people turn up to the pub, in a group of 6, as the Government is allowing (and indeed encouraging them) to do. So you need to clarify this as a matter of urgency.

### **2. Marquees/outside shelters**

The Secretary of State for Housing, Communities and Local Government Robert Jenrick started on 21<sup>st</sup> March that “Every pub in the land can now erect a marquee in their garden for the whole summer: cutting needless red tape, and a shot in the arm for our wonderful pubs”. Yet in reality (apart from the obvious fact that a large proportion of pubs don’t have a beer garden, never mind one big enough for a marquee!) is that the Government didn’t make the rules sufficiently clear. Some councils are insisting on 50% open, but some are approaching this in what we believe is the spirit envisaged by the Government, of being more flexible.

**Campaign for Pubs**, The Volunteer Arms, 5 Watson Street, Holgate, York YO24 4BH

Email: [campaign@campaignforpubs.org.uk](mailto:campaign@campaignforpubs.org.uk) Twitter: [@campaignforpubs](https://twitter.com/campaignforpubs) Facebook: [@campaignforpubs](https://www.facebook.com/campaignforpubs) Instagram: [@campaignforpubs](https://www.instagram.com/campaignforpubs)

Campaign for Pubs Ltd Registered company number 12637917 Registered in England and Wales

### 3. Requirements for staff to see mobile phones regarding test and trace

As you will have seen, there is confusion as to the responsibilities on publicans and pub staff to check **if** customers have registered on the NHS Test and Trace app. The latest guidance states pub staff must look at customers' mobile phone screens to make sure that they have registered with Test and Trace before they can be served. Yet, what does this actually mean in practice? Does it mean that staff must handle customers' phone, as has been suggested in some reports (which very clearly must not be required, as this puts staff at risk of being accused of damaging phones, as well as being an unnecessary source of potential Covid transmission). Also, with customers still having the option of registering manually by filling out a form, what happens if a customer says they have done this?

Yet again, this rule and the lack of clarity are a source of additional anxiety for pubs, publicans and pub staff as well as yet another burden on pubs as they try to reopen and recover after the last year. Once again, considering that other environments are not being asked to operate test and trace at all (never mind insisting that all customers do so) this is unfair – and more scapegoating of pubs.

We urge you to make clear that staff do not have to handle customers mobile phones when asking to see if people have signed in, and also to clarify that whilst pubs should check if people have signed in, that they are not in any way responsible or liable if people say they have signed in, but haven't done so properly. Staff simply cannot be expected to police this, as well as having to operate table service and supervise that people are sticking to the onerous rules regarding table service and not mixing between allowed groups.

### 4. Taking Payment Indoors

As you know, following the justified concerns that it appeared that pubs couldn't take payment inside, you have now confirmed that pubs may do so "as a last resort". The guidance states "if you need to take payment indoors the customer should wear a face covering, unless exempt, you should ensure only one customer is indoors at any one time for the purpose of making payment, and you should operate a tab system to ensure that customers do not need to make multiple indoor payments during their tie at the venue".

This is ridiculous and shows (not for the first time) a complete lack of understanding or empathy of how pubs actually operate. First of all, the idea that pubs should be made to permit everyone people to use a tab outside, when they can only open outdoors, risks some people not paying. Many pubs and restaurants always operate a policy of no tabs for outside service – and for the Government to try to push this on pubs now is frankly outrageous. So most pubs, rightly, will ignore this and reject this frankly stupid suggestion out of hand and the guidance allows them to take offer payment indoors and so many will do so – and must not be penalised for doing so.

There are no such arbitrary (and confused) restrictions for other environments. No rules for people not paying inside coffee shops, motorway service stations, supermarket and shops! Plus it is only pubs and restaurants that are being asked to operate test & trace requirements also.

Another example of a prejudice against pubs and a lack of basic commonsense of the reality of trying to operate outdoors only service.

So we urge you to issue some commonsensical guidance, at this late stage, that makes clear:

1. A group of 6 from different households are allowed to meet, to sit at the same table and need not to be forced to socially distance within this permitted group of customers.
2. Councils should be encouraged to allow marquees and other outside shelters, as long as they are not enclosed and are ventilated.

**Campaign for Pubs**, The Volunteer Arms, 5 Watson Street, Holgate, York YO24 4BH

Email: [campaign@campaignforpubs.org.uk](mailto:campaign@campaignforpubs.org.uk) Twitter: [@campaignforpubs](https://twitter.com/campaignforpubs) Facebook: [@campaignforpubs](https://www.facebook.com/campaignforpubs) Instagram: [@campaignforpubs](https://www.instagram.com/campaignforpubs)

Campaign for Pubs Ltd. Registered company number 12637917 Registered in England and Wales

3. That staff do not have to handle customers mobile phones when asking to see if people have signed into the pub and also clarifying that whilst pubs should check if people have signed in, that they are not in any way responsible or liable if people say they have signed in but haven't done so properly.
4. That no pub should be penalised for taking payment inside and pubs must be allowed to do so, if it is practically the right thing for the pub.

These things should have been clarified, properly and commonsensically, before now, but need to be resolved now, as a matter of urgency. The lack of clarity has the very real potential to lead not only to confusion amongst customers and staff but also to put publicans and pub staff in a position where customers may be abusive to them, which is simply not fair.

So rather than planning photo opportunities on Monday, Ministers should instead be focusing on ensuring that the guidance is clear and that councils are clearly instructed as to how they should be interpreted.

We also urge you to drop the unnecessary requirement for table service from 17<sup>th</sup> May, another policy that has no evidence base and clearly discriminates against the Great British pub.

We look forward to your clarifying these issues as soon as possible.

Yours sincerely,



Dawn Hopkins  
Vice-Chair, Campaign for Pubs



Greg Mulholland  
Campaign Director, Campaign for Pubs

cc Charlotte Nichols MP, Chair, All Party Parliamentary Pub Group