



Campaign for Pubs

Promote, Support and Protect Pubs

Rt. Hon. Robert Jenrick MP
Ministry of Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Rt. Hon Kwasi Kwarteng MP
Secretary of State
Department for Business, Energy & Industrial Strategy
3 Whitehall Place
London
SW1A 2AW

6th July 2021

Dear Robert and Kwasi,

Government plans to tackle unfair commercial rent during the Covid-19 pandemic

We are writing with regard to the Government's recent announcement on further legislation on commercial rent charged during the Covid-19 pandemic.

We warmly welcome that the Government has now committed to do something to tackle the scandal of grossly unreasonable commercial rents charged to pubs and other businesses that have been legally unable to trade, due to Government restrictions. As you know, this has included property owners often charging full rent, even during periods of enforced closure during which of course those pubs (and other businesses) had no income at all. This pandemic has exposed a glaring gap in legislation governing rents: It simply should not be legal for any commercial landlord to enforce full rent on a business that relies entirely on a physical property to trade at times when they are legally prevented from trading by such restrictions.

We are writing to request that the Campaign for Pubs is directly involved in the consultation and any round table meetings regarding the solution on rents. As the Government knows, we have consistently raised the scandal of pubs being charged wholly unreasonable rents – including full rent – whilst being legally unable to trade, due to Government Covid-19 restrictions.

Our previous letter, which was sent to the Government before the recent announcement of forthcoming action to tackle rent arrears, was quoted by the House of Lords Library, in an email to peers.

Response from the sector

[In a letter to the Government dated 1 March 2021](#), the Campaign for Pubs group criticised the Government's provisions. The letter stated:

The reality is that many publicans have only received limited rent support from their commercial landlord, and many have disgracefully received no support at all in cases where their commercial landlords have openly ignored the Government's voluntary Code of Practice.

So we are pleased you have now pledged to act - and hope that you will now engage with pub tenants and organisations that have pub tenants as members, including the Campaign for Pubs.

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

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It is vital that the consultation on rents includes contributions from all sides of the pub sector. Thousands of pubs in the UK are small businesses who rent their premises, very often from large, powerful and well-resourced corporate owners. It is clear that over the past year, the Government has been over-reliant on meetings with the representatives of those large businesses, including for example the BBPA, who are the representative body not of publicans, but of the large pub owning companies and big breweries. Consequently, all too often, the voice of pub tenants and independent publican organisations has not been heard.

On the issue of pub rents, this is simply not acceptable, when it is some BBPA members who have been guilty of charging excessive rents (in some cases full rent) to their own tenants. The BBPA were a signatory to the voluntary Code of Practice on Covid rents, yet some BBPA members have openly ignored the Code in their direct dealings with tenants. Sadly this is completely in line with many years of past experience, showing that voluntary measures are ineffective and will be ignored, and that the BBPA will do everything they can to avoid their members being obliged or compelled to genuinely resolve issues like this. This is precisely why representatives of the tenants of these BBPA members – and other landlords - must be heard in the consultation process.

One other key consideration is that there must be a mechanism whereby those who have been charged excessive rents, and have already paid them for whatever reason (very often out of fear for losing their business), can also seek to have this rent reduced by adjudication, and where any such decision is made, that the difference is repaid. Otherwise the Government's proposals will deal only with those who have not yet paid disputed rent and will do nothing to tackle the scandal of those who have already paid excessive rent, in many cases to avoid otherwise being evicted from their pub, business and home. Without such a mechanism, given the huge inequality of power and resources that has long been a characteristic of the leased pub sector, you will be directly encouraging property owners to pressurise tenants into paying disputed rents before any Government mechanism comes in. So measures must apply to all commercial rent billed during lockdown, whether paid or outstanding, wherever a tenant wishes to dispute how much they have been or are being charged.

We trust that, now the Government has announced it will take some action, it will engage with pub tenants and the truly independent organisations that represent them, including the Campaign for Pubs.

We look forward to hearing from you.

Yours sincerely,



Paul Crossman
Chair, Campaign for Pubs
Licensee, The Swan, The Slip, The Volunteer, York



Dawn Hopkins
Vice-Chair, Campaign for Pubs
Licensee, The Rose, Norwich

Cc Paul Scully MP, Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets)
Charlotte Nichols MP, Chair, All Party Parliamentary Pub Group