



# Campaign for Pubs

Promote, Support and Protect Pubs

Rt Hon Michael Gove MP  
Secretary of State for Levelling Up, Housing and Communities  
Department for Levelling Up, Housing and Communities  
2 Marsham Street  
London  
SW1P 4DF

4<sup>th</sup> July 2023

Dear Michael,

## **Concerns regarding High Street Rental Auctions and the potential loss of pubs**

We are writing to express our concern about the proposals for High Street Rental Auctions, to be introduced as part the Levelling Up and Regeneration Bill. These proposals, as currently drafted, pose a serious threat to pubs in towns and cities.

We understand the rationale for the idea of the High Street Rental Auctions and indeed for premises other than pubs, we support the aims of this part of the legislation, to bring empty shops on high streets/town and city centres back into use. However, including pubs in this in the same way will cause the unnecessary loss of viable, indeed profitable, town and city centre pubs and indeed, could assist cynical owners and developers who want to replace a pub with more lucrative usage, even though the pub is perfectly profitable and indeed, a hugely important (and often historic) part of a high street/town centre and vital to its character and broad appeal.

The concern is because in effect, the Auctions proposal would rip up the basic protections that pubs have due to not being subject any longer to permitted development rights. Leading members of the Campaign for Pubs (through the British Pub Confederation) were at the forefront of the campaign to remove permitted development rights for pubs and doing so is one of the key pro-pub decisions the Conservative Government has made. It therefore makes no sense to now legislate to rip this up for hugely important town and city centre pubs, when the aim is to ensure that empty rented and leased shops are filled more quickly (something that we support).

We implore you to recognise that town and city centre pubs remain vitally important parts of town and high streets and the priority must be for them to reopen, as a pub, not for them to be converted to a shop or other usage. Many thousands of pubs up and down the country were lost through 'predatory purchasing' of larger pubs by supermarkets, when it was (absurdly) legal for a supermarket to buy and close a profitable pub and convert it without needing planning permission and without the local community or local council having any say. Governments were slow to correct this outrage, but it is to the credit of the Conservative Government that they did so in 2017 for all pubs, having removed these for ACV pubs in 2015.

It therefore makes no sense at all to reverse that for pubs in town and city centres, when far from revitalising them, it will destroy their character and add to the trend of recent years of ubiquitous, characterless high streets which is one of the reasons many high streets have declined. It would also undermine the positive (if insufficient ) changes to protect pubs of recent years, including at Council

**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)

Registered company number 12637917 Registered in England and Wales

level as well as Government level. Many Councils now have pro-pub policies within their Local Plans which seek to give some protection against the unnecessary loss of pubs.

If a town or city centre pub is not open, it is often because of a dispute between the property company/pubco and the tenant/lessee, not because the pub itself (which may well have been a pub for years) is not viable. This is very different from where a shop has failed or where a shop chain has decided to close a store and has left it empty. To conflate these two very different scenarios is hugely mistaken and would open the door for the deliberate conversion of pubs by those who would profit from doing so.

The current proposals also conflates the refitting of a shop or other retail premise with the conversion of a historic pub interior when again, they are fundamentally different things and must not be treated as the same or even similar. If a pub is converted to other use, this involves the ripping out of the pub's unique interior, the bar and all fixtures and fittings (and many of these have some historic value). Once a pub has been ripped out in this way, it is unlikely to be re-converted to a pub again, so the proposals are allowing permanent conversion of pubs by the back door, not allowing an alternative business to operate on a lease for period of time (which is the intention of the initiative).

There is also the fact that some town and city centre pubs include accommodation for the landlord, tenant or manager and some include important overnight accommodation for visitors and tourists (and some include both). Opening the door to conversions of the pub part would allow cynical owners and developers to seek to develop the accommodation part of the building into residential accommodation, which in turn means that the pub is highly unlikely to ever open again. Too many pubs in large town and city centres have been lost because the list development value is greater than the list value as a pub (despite the fact that the pub is part of the local economy/trade, whereas residential use is not).

The reality is that once a pub, that may have served its community for many years, is converted to another use, it is lost forever. As currently drafted and without change, the well-meaning Auctions proposal will escalate this at a time when organisations like ours are fighting to save pubs and keep alive our hugely important pub culture in the face of sky high energy bills, inflation and the cost-of-living crisis. We have lost far too many of our nation's town and city centre pubs over the years simply because an owner or developer wanted to profit at the expense of the community and character. We cannot afford a change in the law that would make this easier, not harder (which is what the government should be doing). To make it easier to convert pubs – which is what the Bill as currently drafted would do – would be frankly unforgivable.

We suggest two ways to change the bill to avoid this, that would still fully allow the government to deliver the intent of this element of the Bill.

1. Exclude all pubs that have been pubs for 50 years or more (regardless of whether they have been open for all of that time, the point is that the pub has been in existence historically i.e. 50 years ago or more). We believe this is a very important and sensible approach, because the threat is to long standing pubs and the situation is very different with bars and micro-pubs that have been established, often in retail premises.

**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)

Registered company number 12637917 Registered in England and Wales

2. To change the drafting so that pubs that have been pubs for 50 years or more can only be reopened as a pub. This would be helpful, for the reason cited above i.e. that the reason for closure may have been unfair terms on the part of the property owner/pub company. This measure could therefore persuade the owner either to offer a fairer/more competitive lease or to sell the premises as a pub.

On the last point, we do also continue to call on the Government to support our [Give Pubs Protection policy](#). This is a far more reasonable, proportionate and effective way to stop the ongoing unnecessary closure of valued pubs than the current weak Asset of Community Value system in the Localism Act. Our policy is simple: that when any owner of a pub, that has been a pub for 50 years or more, wishes to sell the freehold, the pub must be marketed at the independently valued price of a pub for at least 12 months, to give other owners the opportunity to buy it and operate it as a pub. This is happening as the large pubcos sell off pubs, but in far too many cases, owners and developers are conspiring to prevent others buying pubs (including communities).

Once again, this would have no impact on the opening (or closing) of pop-up pubs, bars and micro-pubs that open in other premises (i.e. in non-pub premises), but it would stem the ongoing loss of our historic pubs, something that as a nation we should do more to stop. There are many smaller companies (brewers and pub operating companies) entrepreneurs and current tenants who would like to be able to buy and operate pubs but are being prevented from doing so.

Going back to the High Street Auctions, we urge you to see the inevitable but unintended consequences of the proposals and to therefore change the drafting to rectify this.

We would be very happy to discuss this with you and your colleagues and if long-established pubs were excluded from the proposals (or at least given proper protection, by restricting new leases to pub use) then we could give the measure our full support.

We are aware that the Government has consulted on specific aspects of the proposals but it is the simple overall problem that we wish to raise with you and the clear threat to pubs, without change to the Bill.

We hope you and the Government will see the danger and the unintended (but obvious) consequences of not treating pubs differently from other high street premises and we implore to amend the Bill to rectify this and ensure our town and city centre pubs will remain an important part of British towns and cities for generations to come.

Yours sincerely,



James Watson  
Pubs Protection Adviser



Greg Mulholland  
Campaign Director



Dawn Hopkins  
Vice-Chair