



Mr. Paul Scully MP
Minister for Small Business, Consumers and Labour Markets
1 Victoria Street
London
SW1H 0ET

Dear Minister,

Restrictions on pubs and hospitality in England

The restrictions announced on 22nd September and coming into force from Thursday 24th September are going to have profound implications for the operations and viability of pub and hospitality businesses. While it is frustrating that these restrictions have been introduced at such short notice, we are grateful to BEIS for their support in understanding the rules and pressing other departments to give clarity.

Our three organisations have been interpreting the regulations and the guidance to explain to the sector how they are able to operate. There are a number of issues that have arisen where we wish to give our view to the Department, and to ensure that the most pragmatic and workable outcome is agreed. We have discussed this with officials but felt it would be helpful to put our views in writing.

- 1. Exemptions from table service:** The regulations are clear that table service is only necessary if the business 'serves alcohol for consumption on the premises', however the guidance refers to 'licensed premises'. This is an important difference. Where alcohol is a relatively small part of sales businesses will cease selling alcohol in line with the regulations, but surrendering a licence will be a costly process that is not easily reversed.

We recommend that the guidance is revised to allow the non-sale of alcohol to exempt a business from the requirement to provide table service. We would further recommend an amendment to the regulations to permit 'incidental' alcohol sales within a non-table service setting, defined as one drink per person maximum.

- 2. Definition of table service:** There is a further discrepancy between the regulations and guidance on what constitutes 'table service'. The regulations say that service can only be to 'a customer who is seated on the premises', whereas the guidance refers to being served 'at a table'.

We recommend revising the guidance to reflect the regulations.

- 3. Point of payment:** In the regulations the location of the point of payment is not specified. We strongly believe this should remain flexible to allow for differing business models and technological solutions. Many businesses will have a fixed card payment point (PDQ) that is at the bar. This cannot be taken to tables. Investment could be made to adapt this but it will be expensive, time consuming, and potentially not feasible based on the quality of local internet WIFI coverage. An alternative would be for serving staff to take a customer's card

(and PIN number) to process the payment but this cannot be an acceptable solution from a financial security point of view. We are extremely disappointed that despite highlighting this concern, the recently published guidance refers to 'Table service for ordering, service and payment must be used in venues which sell alcohol' which goes beyond what the statutory instrument requires and will cause the issues outlined above.

We recommend that payment is permitted at the bar or a separate payment station. This could also be extended to ordering at the bar/counter, as was permitted in the North East regulations, provided a face covering is worn.

- 4. Face coverings for staff:** We have been informed that face visors are not permitted as they do not provide a tight covering of the mouth and nose. This is despite the fact that these are regularly used in parts of Asia that have successfully controlled the virus. Face visors are markedly preferential for staff members as it enables them to communicate facially with customers, and, more importantly, is better for their health, allowing them to breathe more easily while moving around a venue (while still preventing aerosol spread).

We recommend that face visors that provide sufficient facial and nasal coverage are permitted.

- 5. Buffet/carvery service:** The regulations refer to order and service at table, as well as the business taking 'all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises'. None of this should affect the ability to operate a buffet or a carvery, provided Covid-secure procedures are in place. The customer can order at the table and request the food they want at the serving counter. They can then have the food served to their plate. To reduce the risk of transmission it would actually make sense to remove the server from the process and allow the customer to return to the table with the food themselves.

We recommend that carvery and buffets remain permitted and regulations amended to allow service from buffet or carvery server to reduce risk of transmission. Alternatively, the customer could be seated at the end of the carvery/buffet line and be served, before carrying the food to their table.

- 6. Outdoor drinking without 'table service':** The regulations leave almost no ability for outdoor consumption of drinks not at a table. This is a significant loss of trade for city centre pubs in particular, and especially as there is a general preference in these times to be outdoors – in line with Government information on risk of infection. We believe that this should be amended to allow controlled outdoor consumption where there is simply not the space (or time) to install new tables.

We recommend that Government engages with industry to ensure that safe outdoor drinking environments can be created to enable more open-air interaction.

- 7. Customer face coverings outdoors:** The Prime Minister was very clear when he stated that 'we will extend the requirement to wear face coverings to include ... customers in indoor hospitality, except when seated at a table to eat or drink.' We have been led to believe that movement outside will also constitute the need for face coverings. This seems totally disproportionate, with no obvious public health benefit, but a significant downside for customers.

We recommend that the requirement for face coverings in hospitality businesses is limited to inside the premises and that regulations may need to be amended.

- 8. Licence conditions:** For many pubs and other hospitality businesses there are licence conditions that relate to pre-Covid times. We have previously given the example of a requirement to have security staff on the door from 9pm, though this is clearly illogical and impractical when the venue needs to close by 10pm.

We recommend that the Home Office produces guidance to local authorities that suspends licence conditions that are no longer relevant or necessary.

- 9. Non-service areas of premises:** While the closure rules are relatively clear for most premises there is ambiguity about how this works for non-service areas. For example, the bar may be next to a lounge area in an accommodation setting. Where the customer is a resident then our view is that they should be able to access this area to finish their drink and generally relax beyond the closure time of 2200.

We recommend that non-service areas remain open to residents/guests beyond 2200.

As an industry we are totally committed to applying the rules that have been introduced, and more fundamentally to helping the Government and the country tackle the rise in infections we have seen. However, we need reasonable, rational and proportionate rules for our sector to ensure trust and compliance. We hope the positions that we have set out above provide a route forward and welcome further discussion on how we can continue to provide a safe but sustainable trading as we approach the winter.

Yours sincerely,



Steven Alton, CEO, BII



Emma McClarkin, Chief Executive, BBPA



Kate Nicholls, CEO, UKHospitality