

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 23 MARCH 2021
title: RE-OPENING OF HOSPITALITY VENUES
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER - SOLICITOR

1 PURPOSE

1.1 To inform Committee of the steps intended to be taken by the Council to assist hospitality venues to re-open safely.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To support local businesses and other providers of hospitality to progress towards safe and successful resumption of trade following closure and restrictions.
- Corporate Priorities – To seek to ensure compliance with the requirements of Licensing legislation and Covid-19 legislation.
- Other Considerations – None.

2 BACKGROUND

2.1 Members will be aware of the enforced closure of or substantial restrictions placed upon the hospitality industry since March 2020. The most recent restrictions have been in place since the introduction of the amendments to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 which came into force on 6 January 2021. These amendments required closure of hospitality venues (both licensed and unlicensed) subject to certain exceptions for delivery of goods which had been remotely pre-ordered and takeaway provision of food and non-alcoholic drink.

2.2 On 22 February 2021 the Government issued its Covid-19 response for Spring 2021, which included a "Roadmap" to the relaxation of restrictions. This is a phased programme of steps to seek to restore society to a more normal existence. Whilst the Government has identified the order in which certain restrictions will be eased, there is no definite timescale for any steps to be taken. Instead, Government has announced the earliest dates from which certain restrictions will be eased. The actual date of implementation will be assessed depending on four factors, being:

1. the successful continuation of the vaccine deployment programme;
2. evidence confirming that vaccines are sufficiently effective in reducing hospitalisation and deaths;
3. infection rates not risking a surge in hospitalisations which would put unsustainable pressure on the NHS; and
4. assessment of the risks not being fundamentally changed by new Variants of Concern.

Subject to an assessment of the four tests, Government proposes to announce steps to ease restrictions about one week in advance of implementation.

2.3 As matters stand, it is contemplated that step 2, which would include the re-opening of outdoor hospitality venues, will take place no sooner than 12 April 2021. This would

require table service. Indoor hospitality (with table service required) would be part of step 3, taking place no earlier than 17 May 2021. Step 4, which would include the re-opening of nightclubs, would take place no earlier than 21 June 2021, at which time it would be intended to remove all legal limits on social contact and re-open all remaining closed settings.

3 ISSUES

- 3.1 The Secretary of State for Housing, Communities and Local Government wrote to all local authorities on 5 March 2021 encouraging authorities to take steps to support the re-opening of outdoor hospitality. A copy of the letter is attached at Appendix 1. The letter also includes announcements on the extension of temporary relaxations of licensing and planning requirements which had been introduced in 2020.
- 3.2 The Council's Licensing staff will be contacting hospitality venues in the coming weeks to seek to establish their intentions and any intended date of re-opening, and to remind them of the restrictions which are anticipated to remain at the time of re-opening. Final guidance and any required changes to the legislation is only likely to be published in the week before any stage in the Roadmap comes into effect.
- 3.3 Licensing staff will also endeavour to respond to queries raised by venues and operators on steps that can be taken, although some aspects will not be capable of definitive advice until the publication of the relevant legislation or regulations. It is anticipated that queries may be raised in relation to the use of outdoor areas for consumption of food and drink, including the need for variation of the licence to permit any extension of the area to be used for licensable activities. There have already been a number of enquiries with regard to the temporary pavement licence regime, enabling service of food and drink on permitted parts of the highway (although Members will note that many town centre premises in the Ribble Valley may encounter difficulty in this respect due to the dimensions of pavements).

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Resources will be required to: liaise with businesses; respond to queries; carry out any necessary visits.
 - Technical, Environmental and Legal – Increased advice to businesses should result in greater compliance with legislation and regulation, and fewer complaints of breach.
 - Political – No implications identified.
 - Reputation – Improved support and advice to business will enhance the Council's reputation.
 - Equality & Diversity – No implications identified.

CONCLUSION

- 5.1 Committee is asked to note the content of the report.



STEPHEN BARKER
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None.

For further information please ask for Stephen Barker extension 3216.



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP
*Secretary of State for Housing, Communities & Local
Government*

**Ministry of Housing, Communities & Local
Government**

Fry Building
2 Marsham Street
London
SW1P 4DF
Tel: 0303 444 3450
Email: robert.jenrick@communities.gov.uk

www.gov.uk/mhclg

5 March 2021

Dear Leader,

Supporting the reopening of outdoor hospitality

On 22 February the Prime Minister published a roadmap for easing the lockdown restrictions and set out that in step two, which will be no earlier than 12 April, hospitality venues will be allowed to serve people outdoors. I am writing to you today to highlight the measures in place to support the safe re-opening of hospitality businesses and to urge you to do everything possible to help these businesses reopen safely and prosper again.

All of us in Government are looking forward to seeing pubs, cafes and restaurants open again, and, as Communities Secretary, I'm determined that we don't let red tape to get in the way of a great British summer. Last summer we introduced several measures to support hospitality businesses to reopen safely, enabling business across the country to continue to serve their local communities. The planning changes we put in place last year have been a lifeline to many businesses and they're here to stay for the summer of 2021.

To that end, I am pleased to announce that we will be extending pavement licences for a further 12 months, making it easier and cheaper for pubs, restaurants and cafes to continue to make al fresco dining a reality with outside seating, tables and street stalls to serve food and drinks. We are also continuing to support local communities hold popular outdoor events like summer fairs, car-boot sales, and markets, without the need for planning permission.

The automatic right to provide takeaways and do deliveries we created at the start of the pandemic is going to continue, as will the right for pubs to have marquees and awnings without planning permission for up to two months.

To remind you of the freedoms we have put in place, I have set out all of the measures that we introduced below:

Al fresco dining

We introduced a simplified route for pubs, restaurants and cafes to obtain a temporary pavement licence to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity quickly and at a low cost. We introduced these pavement licence provisions on 22 July 2020 in the Business and Planning Act 2020. They include a capped application fee of £100 and a 10-working day consultation and determination period.

We have made clear in the pavement licence guidance that we expect local authorities to grant licences for 12 months or more unless there are good reasons not to, such as plans for future changes in use of road

space. Therefore, unless there are very good reasons, we would expect licences granted under these provisions to continue to apply into this summer so that businesses do not have to reapply or be charged a further application fee when they are able to re-open to serve customers outdoors. These temporary provisions are currently due to expire on 30 September 2021, but to give further certainty to businesses I will be introducing secondary legislation to extend these provisions for a further 12 months, subject to Parliamentary approval.

Given the continuing importance of the outdoors to reduce transmission of the virus, I strongly encourage you to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public.

Freedom to use land for community events and outdoor hospitality

Last year we provided greater flexibility for businesses to hold outdoor events such as summer fairs or motorsports on land without the need for a planning application, while events such as car-boot sales, or people or businesses such as pubs wishing to set up marquees will also be exempt. We have increased the number of days allowed for such temporary events from 28 to 56, and in November extended this provision until 31 December 2021.

Outdoor markets

We have also introduced a new temporary right, extended to March 2022, that allows local authorities, either by themselves or by others on their behalf, to use land to hold a market without having to apply for planning permission.

Takeaways

Finally, we also introduced measures to support restaurants, drinking establishments such as pubs and cafes to serve takeaway food when they were otherwise closed due to coronavirus restrictions. These measures will continue to apply until March 2022.

We introduced these changes to provide much needed support to hard-hit hospitality businesses. It is vital that local authorities use these measures in a pragmatic way to help support the high street, businesses and jobs, once restrictions allow them to do so.

Thank you for all you have done in your local community to help businesses prepare for a safe reopening. As we emerge from this incredibly challenging period – let's not let bureaucracy get in the way of a great British summer for the hospitality industry.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style and is positioned above a horizontal line.

RT HON ROBERT JENRICK MP