



Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP

*Secretary of State for Housing, Communities and
Local Government*

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

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Chief Executives and Leaders of local
authorities in England

15 April 2021

Dear Colleague,

Reopening outdoor hospitality safely

As you will be aware, on 12 April, the Government took the next careful step towards reopening our economy and easing restrictions, entering England into Step 2 of the roadmap. I would like to thank local authorities for the role you have played in preparing for this and indeed for your continued response throughout the pandemic.

I would also like to extend my thanks to your enforcement officers, who have engaged, explained to, and encouraged businesses to operate safely and within the law as we have eased restrictions, and whose professionalism regarding the Regulators Code ensures that enforcement against businesses, if necessary, has been proportionate and consistent.

Among the restrictions eased on 12 April was the reopening of outdoor hospitality, including pubs, cafes and restaurants. To support these businesses to reopen safely, the government legislated to enable them to set up outdoor shelters and marquees without planning permissions. We have published clear guidance on GOV.UK for how these structures can be set up safely and what conditions they need to meet to be considered “outdoors”. For instance – in line with the existing rules for outdoor smoking areas – shelters, marquees and other structures erected by hospitality and other businesses can have a roof, but need to have at least half of the area of their walls open at all times whilst in use. I would encourage you all to ensure that this guidance is applied proportionately and consistently in your areas to support businesses to reopen safely and to avoid overzealous interpretations of the rules. It is in the public interest that local residents can socialise in a licensed and controlled environment outside, where Covid-19 risks are lower. If a disproportionate regulatory approach is taken, it risks driving residents into unregulated activity and premises which may be far less covid-secure and/or illegal.

On 16 April, we will extend these rights to listed buildings and historic visitor attractions to support these businesses to reopen safely. Listed buildings will be able to benefit from the right where the temporary structure would not affect the character as a building of special architectural or historic interest. The measure will be in force until 1 January 2022 and the temporary structure may be in place during the whole of this period.

The Government has supported the hospitality sector throughout the pandemic. For example, in July 2020, we introduced provisions to allow for fast track pavement licences in the Business and Planning Act. These provide a quicker and cheaper 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 safely maximise their capacity in a timely and cost-effective manner. They include a capped application fee of £100 and a 10 working day consultation and determination period. The number of businesses making use of these provisions has varied drastically across the country and I would encourage you to redouble your efforts to promote the use of these provisions with your local hospitality businesses.

Cutting red tape in this way is a lifeline for businesses as they look to bounce back from a uniquely challenging year. We need your support to ensure the measures are known, made use of and not impeded unnecessarily – jobs and enterprises depend on it. I would urge you to show pragmatism and proportionality at all times, doing everything you can to help businesses prosper again.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style. Below the signature is a single horizontal line.

RT HON ROBERT JENRICK MP