



2014 CHAPTER 9

*Change in persons carrying on business*

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- 13.—(1) Subsection (2) applies where—
- (a) a pavement café licence was granted to two or more persons carrying on, or proposing to carry on, a qualifying business;
  - (b) one or more of those persons has died or withdrawn from the business;
  - (c) one or more of those persons (“the remaining person”) is still carrying on a qualifying business; and
  - (d) the licence has not expired or been revoked or surrendered.
- (2) The remaining person is to be treated as the holder of the licence.
- (3) Subsection (4) applies where—
- (a) a pavement café licence was granted to a person or persons carrying on, or proposing to carry on, a qualifying business;
  - (b) that person (or, if the licence was granted to two or more persons, any of them) is carrying on a qualifying business together with a person who is not a holder of the licence; and
  - (c) the licence has not expired or been revoked or surrendered.
- (4) The licence is to be taken to authorise the placing by the licence holder and that other person on the area covered by the licence of temporary furniture for use as mentioned in the licence.
- (5) A pavement café licence may not be transferred from one person to another.
- (6) But subsection (5) does not affect—

- (a) any power of a person to apply for a new pavement café licence in respect of premises for which a pavement café licence held by another person is in force;
  - (b) the power of a licence holder to surrender a pavement café licence in respect of premises on the grant to another person of a new pavement café licence in respect of the premises.
- (7) In this section “a qualifying business” means a business involving the supply of food or drink to members of the public, or of a section of the public, in or from the premises specified in the licence.