



2014 CHAPTER 9

Powers of entry, removal, etc.

Powers of entry and inspection

22.—(1) An authorised officer may at any reasonable time, in order to obtain information required by the council for a purpose mentioned in subsection (2)—

- (a) enter and inspect premises to which a pavement café licence relates, or to which an application for the grant, renewal or variation of such a licence relates;
- (b) inspect furniture placed on a public area for use for the consumption of food or drink supplied in or from any premises;
- (c) inspect any other object placed on a public area with such furniture.

(2) The purposes referred to in subsection (1) are—

- (a) the purpose of determining whether an application for a pavement café licence or the renewal or variation of such a licence should be granted or what conditions should be specified in such a licence;
- (b) the purpose of ascertaining whether a condition specified in a pavement café licence is being or has been complied with;
- (c) the purpose of determining whether a pavement café licence should be revoked, suspended, or varied under any of sections 16 to 18.

(3) An authorised officer exercising powers under this section must if required produce his or her authority.

(4) Any power under this section to enter and inspect premises does not apply to any part of the premises used as a dwelling.

Power to remove unlicensed furniture

23.—(1) A council may cause any temporary furniture which is unlicensed to be removed from a public area and stored.

(2) For the purposes of this section temporary furniture is “unlicensed” if—

- (a) it has been placed on a public area, in the course of a business, for use for the consumption of food or drink supplied in the course of that business in or from any premises; and
- (b) the person carrying on the business does not hold (or, if more than one person carries on the business, none of those persons holds) a pavement café licence in respect of the premises.

(3) Where any furniture is removed and stored under subsection (1), the council—

- (a) must, where the name and address of the person in the course of whose business the furniture was placed on the public area (“the responsible person”) is known, notify that person of the removal and storage and of how the furniture may be recovered; and
- (b) may recover from the responsible person the costs reasonably incurred by the council in removing and storing the furniture.

(4) Any charges incurred by a council in pursuance of subsection (1) shall be payable by the responsible person before the return of the furniture to that person.

(5) Where any furniture—

- (a) has been removed under subsection (1), and
- (b) has not been recovered by the responsible person within 3 months beginning with the date of its removal,

the council may take such steps as are reasonable to sell it or to dispose of it in such other way as the council thinks fit.

Offence of obstruction

24.—(1) A person who intentionally obstructs an authorised officer acting in the exercise of powers under section 22 or 23 commits an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.