2014 CHAPTER 9

Supplementary

Byelaws

29.—(1) Where, by creating an offence, a byelaw prohibits the consumption of intoxicating liquor in a particular place, the byelaw does not apply to any relevant pavement café area within that place.

(2) In this section "a relevant pavement café area" means a public area which—

(a) is an area shown under section 5 on the plan in a pavement café licence which is in force;

(b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;

(c) is associated with premises licensed under the Licensing Order which are—

(i) premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;

(ii) a hotel;

(iii) a guest house in which the business of a restaurant is carried on;

(iv) a restaurant; or

(v) a refreshment room in public transport premises; and

(d) is not subject to an alcohol condition.

(3) For the purposes of subsection (2)(c)—

(a) the area is "associated with" particular premises if those premises are the premises in respect of which the pavement café licence relating to the area was granted;

(b) "hotel", "guest house", "restaurant", and "public transport premises" have the same meanings as in the Licensing Order.

(4) For the purposes of subsection (2)(d), the area is "subject to an alcohol condition" if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.

(5) In subsection (1) the reference to intoxicating liquor includes any liquor of a similar nature which falls within the byelaw.