



2014 CHAPTER 9

Appeals

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21.—(1) Where an application for—

- (a) the grant or renewal of a pavement café licence, or
- (b) a variation of a pavement café licence under section 8 or 9,

is refused, the person who made the application may appeal against the refusal.

(2) Where a pavement café licence is granted, the licence holder may appeal—

- (a) against any condition specified in the licence under section 6(2)(b) or (3);
or
- (b) if the area (or areas) shown in the plan in the licence are not the same as the area (or areas) proposed in the application, against the council's decision with regard to any such area.

(3) Where a pavement café licence is granted or renewed and a period is specified under section 5(5)(a) in the licence, the licence holder may appeal against the council's decision to specify that period.

(4) Where a pavement café licence held by a person is—

- (a) renewed subject to a variation under section 7(7),
- (b) varied under section 8(4)(b),
- (c) revoked under section 14,
- (d) suspended under section 15, or
- (e) varied under any of sections 16 to 18,

that person may appeal against the variation, revocation or suspension.

Changes to legislation: *There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014, Cross Heading: Appeals. (See end of Document for details)*

(5) Where a suspension of a pavement café licence is extended under section 19, the person whose licence was suspended may appeal against the extension.

(6) Any appeal under this section must be made to a court of summary jurisdiction by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981.

(7) An appeal under this section must be brought within 21 days beginning with the day after the date on which notice is given of the refusal, grant, renewal, variation, revocation, suspension or extension (as the case may be).

(8) On an appeal under this section, a court of summary jurisdiction may make such order as it considers appropriate and the council must give effect to that order.

Commencement Information

II S. 21 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014, Cross Heading: Appeals.