



2014 CHAPTER 9

Applications: general provision

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10.—(1) In this section “an application” means an application for the grant or renewal of a pavement café licence or for the variation of a pavement café licence under section 8 or 9.

(2) An application—

- (a) must be made in writing, and in such form and way and at such time as the council to which the application is made may specify; and
- (b) if the council so requires, must be accompanied by any fee (or such part as the council may determine of any fee) payable under section 12.

(3) An application must—

- (a) confirm that the notice required by section 11 has been fixed as required by that section, and the date on which this was done; and
- (b) contain such information, and be accompanied by such documents, as the council may reasonably require.

(4) Where a council receives an application made in accordance with this Act, it must, by such means as it thinks appropriate—

- (a) make the application available to be viewed by the public until the end of the period allowed for representations; and
- (b) publicise the fact that representations relating to the application may be made in writing to the council until the end of that period.

(5) In this Act “the period allowed for representations”, in relation to an application, means 28 days beginning with the first working day after the date when the application is received by the council.

(6) The council may require the applicant to provide such further information or documents as it may consider necessary for dealing with the application.

(7) If it refuses an application, a council must give the applicant notice in writing of its decision and of—

- (a) the grounds for that decision; and
- (b) the applicant's rights under section 21 (appeals).

(8) A person who, in connection with an application, makes a statement which is false in a material respect and does so knowing it to be false commits an offence.

(9) 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.

Notice of application to be displayed

11.—(1) This section applies where an application is made for the grant or renewal of a pavement café licence or for the variation of a pavement café licence under section 8 or 9.

(2) The applicant must ensure—

- (a) that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises; and
- (b) that the notice remains in position and so visible and legible until the end of the period allowed for representations.

(3) In this section “the required notice” means a notice, in such form as may be specified by the council to which the application is made, which—

- (a) states that an application for the grant, renewal or variation of a pavement café licence (as the case may be) has been made in relation to the premises;
- (b) specifies the date of the application;
- (c) indicates that the council will make the application available to be viewed by the public until the end of the period allowed for representations;
- (d) indicates how the application may be viewed;
- (e) indicates that representations relating to the application may be made in writing to the council until the end of that period; and
- (f) contains such other information as the council may specify.

Fees

12.—(1) A council may charge fees—

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

- (2) Any fees charged by a council under this section shall be such as the council may determine.
- (3) But fees charged by a council under this section may only be—
- (a) such fees as may be sufficient in the aggregate, taking one year with another, to cover any reasonable administrative or other costs in connection with the council's functions under this Act that are not otherwise recoverable; or
 - (b) such lower fees as the council may determine.
- (4) Before determining or altering any fees under this section the council must—
- (a) give notice of the proposed fees to licence holders affected by the proposal; and
 - (b) publicise the proposed fees by such means as it thinks appropriate.
- (5) The notice under subsection (4)(a) and publicity under subsection (4)(b) must indicate—
- (a) that a statement has been prepared showing how the proposed fees have been calculated;
 - (b) that the statement will be available to be viewed by the public until the end of a period specified in the notice and publicity, and how it may be viewed; and
 - (c) that representations relating to the proposed fees may be made in writing to the council until the end of that period.
- (6) The period specified under subsection (5)(b) must be at least 28 days beginning with the day after the date when the proposed fees are first publicised.
- (7) In reaching a decision about the determination or alteration of the fees, the council must take into account any representations made to it within the period specified under subsection (5)(b).
- (8) Where the council has reached its decision, it must—
- (a) give notice of the decision to licence holders affected by the decision; and
 - (b) publicise the decision by such means as it thinks appropriate.
- (9) The council may determine the time and way in which fees are to be paid.
- (10) Where a council refuses an application for the grant, renewal or variation of a pavement café licence, it must refund any fee paid less any costs necessarily incurred by the council in deciding the application.
- (11) Where a pavement café licence is revoked under section 14(1)(a) or (b), the council must refund such part of any fee paid for the grant or renewal of the licence as appears to the council appropriate, having regard to—
- (a) the period for which the licence had been in force when revoked; and

(b) any costs necessarily incurred by the council in deciding the application to grant or renew the licence.

(12) The council may refund, in such other circumstances as it considers appropriate, the whole or part of any fee.