



2014 CHAPTER 9

Variation on application of licence holder

Variation of section 6(3) conditions or of area covered by licence

8.—(1) A person who holds a pavement café licence in respect of any premises may apply to the council in whose district the premises are situated for—

- (a) a variation of the conditions, if any, specified in the licence under section 6(3); or
- (b) a variation of the area covered by the licence.

(2) The application must specify the variation that the applicant wishes to be made.

(3) Sections 10 and 11 apply in relation to an application under this section.

(4) Where an application for a variation of conditions specified in a pavement café licence under section 6(3) is made to a council in accordance with this Act, the council may—

- (a) make the variation applied for;
- (b) make such other variation of the conditions as it thinks fit (including by specifying conditions under section 6(3) that were not specified in the application); or
- (c) refuse the application.

(5) Where an application for a variation of the area covered by a pavement café licence is made to a council in accordance with this Act, the council must grant the application unless it considers that it ought to refuse the application on one or more of the grounds set out in section 4(2).

(6) Before deciding an application under this section the council may consult such persons as it considers appropriate.

(7) In deciding an application under this section, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations.

(8) Any reference in this Act to the variation of conditions specified in a licence under section 6(3) includes the removal of any such conditions.

(9) Any reference in this Act to a variation of the area covered by a pavement café licence is a reference to a variation of that area such that, after the variation, at least 75% of the area falls within the area as it was before the variation.

(10) In section 4(2)(a) as it applies for the purposes of subsection (5) above, the reference to the public area where the applicant wishes to place temporary furniture for use for the consumption of food or drink is to be read as a reference to the part of that area which is not already covered by the licence.

Variation by removal of alcohol prohibition

9.—(1) This section applies where—

- (a) a person holds a pavement café licence in respect of any premises;
- (b) the pavement café licence includes a condition (“an alcohol condition”) requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area covered by the licence; and
- (c) the premises specified in the pavement café licence are not premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences).

(2) The holder of the pavement café licence may apply to the council in whose district the premises are situated for the pavement café licence to be varied by the removal of the alcohol condition.

(3) Sections 10 and 11 apply in relation to an application under this section.

(4) Where an application under this section is made to a council in accordance with this Act, the council may—

- (a) remove the alcohol condition; or
- (b) if it is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the licence would be likely to result in disorder, refuse the application.

(5) Before deciding an application under this section the council—

- (a) must consult the district commander for the police district in which the premises are situated; and
- (b) may consult such other persons as it considers appropriate.

Status: This is the original version (as it was originally enacted).

(6) In deciding an application under this section, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations.