



2014 CHAPTER 9

Applications: general provision

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.