



2014 CHAPTER 9

Application for licence

Grant or refusal of licence

4.—(1) A council must grant an application for a pavement café licence which is made to it in accordance with this Act unless it considers that it ought to refuse the application on one or more of the grounds set out in subsection (2).

(2) The council may refuse the application on any of the following grounds—

- (a) that all or any part of the public area where the applicant wishes to place temporary furniture for use for the consumption of food or drink is unsuitable for that purpose;
- (b) that placing such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;
- (c) that, in connection with the application, the applicant made a statement which the applicant knew to be false in a material respect or failed to comply with section 11;
- (d) that the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant's control.

(3) Where the applicant wishes to place temporary furniture for use for the consumption of food or drink on more than one public area—

- (a) subsection (2)(a) applies as if the reference to the public area were to any of the public areas; and
- (b) subsection (2)(b) applies as if the reference to that area were to those areas.

- (4) Before deciding an application for a pavement café licence, a council—
 - (a) must consult the Department for Regional Development as regards that department's functions with respect to roads and the regulation of road traffic; and
 - (b) if the premises to which the application relates are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(a) of that Order, must (and in any other case may) consult the district commander for the police district in which the premises are situated.
- (5) The council may consult such other persons as it considers appropriate.
- (6) In deciding an application for a pavement café licence, 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 (as defined by section 10(5)).