



## 2014 CHAPTER 9

### *Variation on application of licence holder*

#### **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.

(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.