2014 CHAPTER 9

*Requirement for pavement café licence*

**Offence of placing furniture on public area without pavement café licence**

**2.**—(1)  Subject to subsection (2), if at any time while a business involving the supply of food or drink in or from any premises to members of the public, or of a section of the public, is being carried on ("the time in question")—

(a)  furniture for use for the consumption of food or drink supplied in or from the premises is placed on a public area in the course of the business, or

(b)  furniture for such use which has been placed on a public area in the course of the business remains on that public area,

each responsible person commits an offence.

(2)  Subsection (1) does not apply if the furniture is temporary and, at the time in question, the person carrying on the business holds a pavement café licence in respect of the premises.

(3)  For the purposes of subsection (1) each of the following is a "responsible person"—

(a)  the person carrying on the business; and

(b)  any other person concerned in the management of the premises who is responsible for the furniture being placed on, or (as the case may be) remaining on, the public area.

(4)  Where the business is carried on by more than one person—

(a)  the reference in subsection (2) to the person carrying on the business includes any of those persons; and

(b)  the reference in subsection (3)(a) to the person carrying on the business is to each of those persons.

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(5)  Subsection (1)(b) applies whether the furniture was placed on the public area before or after the commencement of this section.

(6)  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.

(7)  It is a defence for a person charged with an offence under this section to prove that that person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.