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## **ON THE PUBLIC ROAD/FOOTPATH.**

### **Introduction**

The placement of furniture on the street, especially pedestrianised streets, fronting restaurants and public houses can enhance the ambience and atmosphere of the streetscape of a modern European City like Cork. It can enable businesses to improve services to their customers, and generate additional revenues. However, responsibilities to road users must not be forgotten. Control is necessary to ensure that unnecessary restriction is not caused, that access for emergency services such as the Fire Brigade and Ambulance is not impeded and that hazards are not posed to pedestrians from any type of obstruction, spillage or overturning. To enable necessary controls to be implemented, Cork City Council has now put in place a licensing system for the placement of tables and chairs on city streets.

### **Before a Licence is applied for:**

Before you apply for a licence, please read the General Licence Conditions for Tables and Chairs on Public Roads/Footpaths enclosed. Roads Operations Division, following consultation with An Garda Síochána and the Fire Department, will decide on the area where tables and chairs may be placed. As a general guide a minimum of 1.80m footpath clearance shall be required in front of the licenced area and in pedestrianised streets a continuous channel of at least 3 metres in width is required. This is to facilitate visually impaired persons, wheelchair users, etc. Please remember if a licence is granted, this licence will only remain in effect for one calendar year from the 1<sup>st</sup>. of January to the 31<sup>st</sup>. of December of that year.

### **Licence Application Procedure:**

Licence application forms for tables and chairs on the public Road/Footpath may be obtained from the Reception Desk City Hall or by post from Room 323 City Hall (Telephone 021 4924671) or Cork City Council's website at [www.corkcity.ie](http://www.corkcity.ie). All application forms must be accompanied by an accurate dimensioned drawing of the area to be licensed showing the proposed number of tables and chairs, the types of tables, chairs and removable barrier to be used together with all statutory services in the area and obstructions. The Applicant must provide evidence of Employer's and Public Liability Insurance cover for limits of not less than €13 million and €6.5 million respectively in respect of legal liability for bodily injury or third party property damage claims arising in connection with the activities, the subject of this application, for the duration of the licence period. **These policies must be extended to indemnify Cork City Council.** Cork City Council reserves the right to review this limit of indemnity for adequacy. The insurance policy shall be submitted for inspection before the Licence will be issued. The licensee is required to maintain a valid policy for the duration of the licence period.

Completed Application Forms, Drawing(s), Insurance Declaration and Insurance Policy Details should be returned directly to the Reception Desk, City Hall or posted to Room 323, City Hall, Cork. together with a non-refundable Administration Fee of €110.

Business premises are not entitled to place tables, chairs, on the public footpath or street until a licence is granted.

Successful applicants will be required to pay a Licence Fee of €125 per table and/or per bench/other seating structure not associated with a table. The area must be enclosed by a removable barrier. A fee of €100 for the use of public space also applies per licence. All fees must be paid by the applicant at the time of issue of the Licence.

### **Non Compliance with the Licensing Procedure:**

Under Section 71 of the 1993 Roads Act any person who without lawful authority or the consent of a Roads Authority erects, places or retains on a public road any structure or thing used for the purpose of advertising, the sale of goods, the provision of services or other similar purpose shall be guilty of an offence. **Such an offence is subject to summary prosecution in the District Court and on conviction, to a fine not exceeding €1270, or at the discretion of the Court to a term of imprisonment not exceeding six months or to both such a fine and imprisonment.**

Cork City Council expects that business premises will comply voluntarily with the licensing procedure as it now exists.

### **Attachments:**

Please find attached:

- (1) *General Licensing Conditions & Specific Licence Conditions (additional conditions may apply).*
- (2) *Licence Application Form*
- (3) *Insurance Declaration*

## **GENERAL LICENCE CONDITIONS FOR THE PLACING OF TABLES, CHAIRS ON THE PUBLIC ROAD/FOOTPATH.**

1. The Licensee is responsible for the management and supervision of the designated licenced area.
2. This Licence permits the Licensee to place Tables and Chairs within a designated licenced area (specified on the licence) abutting the licensee's premises. In all other respects the Licensee is required to comply independently with all national and local legislation including Health & Safety legislation, the Intoxicating Liquor Act 2003, Public Health (Tobacco) Act 2002 and the Byelaws "Prohibiting the Consumption of Intoxicating Liquor on the Streets of Cork and in Public Places within Cork City" made in 2001 and amended in 2006.
3. The Licensee must at all times prevent drunkenness and prevent the consumption of intoxicating liquor by persons under 18 years of age within the designated licenced area.
4. The licence is annual and the licensing period will be from the 1<sup>st</sup> January to the 31<sup>st</sup> of December. However within this timeframe a licence will only be granted for the time period during which the Licensee's Public Liability and Employers Insurances are operative. The granting of a licence does not automatically guarantee renewal the following year.
5. The licence is personal to the Licensee and the Licensee shall not assign or sub-let the designated licenced area .
6. This licence shall be prominently displayed within the premises for inspection by authorised employees of Cork City Council or members of An Garda Síochána.
7. Tables and chairs must not be placed or allowed to migrate outside the designated licenced area.
8. Total number of patrons within the designated licenced area and Licenced Premises must not exceed the permitted number as specified in 'Notice of Fire Authority Requirements' where applicable or the numbers specified in the Fire Safety Certificate where applicable or shall not otherwise cause the premises to be overcrowded.
9. Designated licenced area to be enclosed by an approved, free standing, removable barrier, not exceeding 1.2 metres in height, which together with tables, chairs and ancillary equipment must be completely removed each day and stored before the designated expiry time as indicated on the Licence. When removed, the tables, chairs or ancillary equipment must not be stored in a public area or in such a way as to impede any escape route or exit from the premises.
10. All watermain covers, sewer manholes, public lighting & associated equipment and service access points for Cork City Council, ESB, Gas Company and Telecom services shall be accessible at all times and no table, chair or ancillary equipment shall be positioned over a fire hydrant.
11. Direct entry between the public road/footpath and the entrance to the licenced premises shall be maintained at all times.
12. Visibility at junctions, accesses etc. shall not be obstructed by the tables, chairs or ancillary equipment.
13. The Licensee shall put in place, facilities for the disposal of cigarette litter subject to any requirements under the Planning Acts.
14. The placement of advertising boards, the storage of goods, the display of goods on public road/footpath, carriageway, or laneway outside the designated licenced area is not permitted.
15. The use of side awnings or front awnings to cover or enclose the designated licenced area is strictly prohibited, except in the circumstance where planning permission has been granted.
16. The tables and chairs shall be of robust and stable construction to prevent movement by wind, easy dislodgement by users.
17. The placement of umbrellas or sunshades shall be such as not to present a hazard to passing pedestrians.
18. Where Liquefied Petroleum Gas is used to power patio heaters the cylinders shall not be stored on the premises otherwise than in accordance with Irish Standard 3213:1987 'Code of Practice for the storage of LPG cylinders and cartridges.
19. The use of public lighting equipment for unauthorized supports or attachments is not permitted.
20. The Licensee shall be responsible to keep clean the area used for tables and chairs together with the area between the designated licenced area and public roadway. Provision shall be made for the gathering of fugitive litter and on commencement and cessation of usage, each day, the area shall be washed and swept by the Licensee
21. No music apparatus shall be used within the licensed area.
22. Noise from the designated licenced area shall not exceed the background levels by more than 5 db(A) during the operating times indicated on the Licence, when measured at any external position at a noise sensitive premises. The noise level shall be measured as Leq, 15 minutes.
23. No claim for compensation shall be entertained in respect of damages or losses suffered as a direct or indirect consequence of the maintenance requirements of Cork City Council or any statutory undertaker.
24. All costs incurred by Cork City Council or a Service Provider, including any repairs to the public road and services necessary arising as a result of the licence, shall be at the expense of the licensee.
25. The Applicant must provide evidence of Employer's and Public Liability Insurance cover for limits of not less than €13 million and €6.5 million respectively in respect of legal liability for bodily injury or third party property damage claims arising in connection with the activities, the subject of this application, for the duration of the licence period. These policies must be extended to indemnify Cork City Council. Cork City Council reserves the right to review this limit of indemnity for adequacy. The insurance policy shall be submitted for inspection before the Licence will be issued. The licensee is required to maintain a valid policy for the duration of the licence period.
26. An appliance or structure shall be removed immediately in exceptional circumstances if requested by an authorised employee of Cork City Council or a member of An Garda Síochána.. The reason(s) for this removal will subsequently be confirmed in writing.
27. An appliance or structure shall be removed immediately to facilitate access by emergency services i.e. Fire Brigade or Ambulance Service.
28. The Licensee shall be required to remove all appliances or structures for particular events or dates on written notification from an authorised employee of Cork City Council or a local District Superintendent of An Garda Síochána.
29. Cork City Council reserves the right to cancel, withdraw, suspend or vary the terms of the Licence at any time. No claim for damages or loss of income under any heading shall be taken against Cork City Council for suspending, canceling, withdrawing or varying the terms of the licence.
30. Cork City Council reserves the right to remove any structure or appliance, placed on a public road which does not have a licence in accordance with section 71 of the Roads Act 1993 and section 254 of the Planning and Development Act 2000.
31. Failure to comply with the terms and conditions of this Licence constitutes an offence which is subject on summary conviction to a fine not exceeding €5000.00 or at the discretion of the Court, to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

**SPECIFIC LICENCE CONDITIONS THAT WILL APPEAR ON THE FRONT OF THE LICENCE FOR THE PLACING OF TABLES AND CHAIRS ON THE PUBLIC ROAD/FOOTPATH.**

**THIS LICENCE MUST BE PROMINENTLY DISPLAYED WITHIN THE PREMISES AND BE AVAILABLE FOR INSPECTION BY CORK CITY COUNCIL OR A MEMBER OF AN GARDA SIOCHANA.**

**CONSUMPTION OF INTOXICATING LIQUOR IS EXPRESSLY CONFINED TO SEATED PATRONS WITHIN THE LICENSED AREA.**

**ALL PATRONS WITHIN THE LICENCED AREA MUST BE SEATED**

**STORAGE OF TABLES, CHAIRS AND ANCILLARY EQUIPMENT IS EXPRESSLY PROHIBITED IN A PUBLIC AREA OR IN THE VICINITY OF AN EMERGENCY EXIT**

**THE USE OF OVERHEAD CANOPIES AND/OR SCREENS FIXED OR HINGED TO THE PREMISES IS NOT AUTHORISED UNDER THIS LICENCE. (Planning Permission must be sought separately)**

*“Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at*

*<http://www.corkcity.ie/services/corporateandexternalaffairs/data%20protection/>.*

*We request that you read these as they contain important information about how we process personal data that is supplied to us”.*

**COMHAIRLE CATHRACH CHORCAÍ - CORK CITY COUNCIL**

**Operations Directorate –Roads Operations Division.**



ROOM 323, CITY HALL, CORK. Tel: Orla Thacker 021-4924671

**FORM SF**

**LICENCE APPLICATION FOR THE PLACEMENT  
OF TABLES AND CHAIRS, ON THE PUBLIC ROAD/FOOTPATH**

ROADS ACT 1993 - SECTION 71

PLANNING & DEVELOPMENT ACT 2000 – SECTION 254

FIRST APPLICATION  RENEWAL OF PREVIOUS LICENCE  PREVIOUS LICENCE No. \_\_\_\_\_

<b>Name of Premises and Address at which Licence is applied for:</b>	
<b>Name and Address of REGISTERED OWNER/COMPANY of Premises that licence is being applied for:</b>	Mobile Telephone No: _____ Email: _____ Business Telephone No: _____
<b>Name and Address to which notifications should be sent:</b>	
<b>Brief Description of proposed Licence Application: (Include Number of desired Tables And Chairs)</b>	
<b>Description of proposed area when furniture and ancillary equipment will be stored outside of the operating hours of this licence</b>	Note: It is not permitted to store tables and chairs in a public area or where they may impede an emergency exit.
Separate area provided in compliance with the Public Health (Tobacco) Act 2002 Yes <input type="checkbox"/> No <input type="checkbox"/> Note: A smoking area cannot form part of the allocated area licenced for the placement of tables and chairs.	
<b>Dimensions of Area – Length X Breadth to be enclosed by Removable Barrier</b>	

**Public Liability & Employer Liability Insurance Details (See Condition 25 of General Licence Conditions)**

Name of Insurance Company:

Policy Number:  Expiry Date:  Value:

**Documents to accompany this Application:**

<b>Drawing (Accurate Dimensioned Sketch)</b>	<b>Insurance Declaration</b>	<b>Insurance Policy Details</b>	<b>Administration Fee € 110.00</b>
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I agree to abide by the conditions specified overleaf and any other condition which may be attached by the Licensing Authority:

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

For Office Use Only	
Licence Application No:	Licence Issue Date:
Administration Fee: € 110.00	Receipt No.
Licence Fee: €	Receipt No.



**INSURANCE DECLARATION**

**RE: LICENCE APPLICATION FOR THE PLACING OF TABLES AND CHAIRS ON THE PUBLIC ROAD/  
FOOTPATH**

- *ROADS ACT 1993 - SECTION 71*
- *PLANNING & DEVELOPMENT ACT – SECTION 254*

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*I hereby confirm that the insurance policy as set down hereunder provides  
for indemnification of Cork City Council against third party claims arising from  
the use by me of the public road/footpath in respect of the Licensed area.*

*The Licensee is required to maintain a valid policy for the duration of the licence period.*

Applicant: \_\_\_\_\_

Address at which  
Licence is applied for: \_\_\_\_\_  
\_\_\_\_\_

Name of Insurance Company: \_\_\_\_\_

Policy No: \_\_\_\_\_

Expiry Date: \_\_\_\_\_

Value: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: PLEASE ALSO INCLUDE A COPY OF YOUR INSURANCE POLICY WITH  
THIS APPLICATION**