

CARLOW COUNTY COUNCIL STREET FURNITURE LICENCE APPLICATION

Introduction

Street Furniture can contribute towards creating an ambience of vibrancy and vitality in town and village centres in County Carlow. The licencing of street furniture can achieve consistent and high standards in the provision of street furniture that will assist in improving the appearance of town and village public realm.

Street furniture can enable businesses to improve services to their customers, however, it is important that unnecessary restriction is not caused to pedestrians, emergency services and that there are no impediments caused to individuals from any type of obstruction, spillage and overturning.

Any business that wishes to place street furniture such as tables and chairs and other hospitality related structures on a public street / public realm area must apply for a Street Furniture Licence. In this regard and to provide the necessary controls Carlow County Council operates a licencing system for the placement of street furniture in public areas.

General Conditions

1. The granting of a Street Furniture Licence by Carlow County Council refers only to the placing of tables and chairs etc. on a public footpath immediately adjacent to the applicant's property. It does not permit any advertising or the storage and display of goods at the location.
2. The maximum number of tables and chairs including dimensions, and total area of required street space in square metres shall be as specified in the licence.
3. In the event that the licensed area for tables and chairs is to be enclosed by way of screens, the screens/ windbreaker must be agreed with Carlow County Council and will be subject to the following conditions;
 - Screens to be plain, coloured or neutral canvas type, not more than 1 metre high, spanning between or framed by simple metal type posts.
 - Screens to be manufactured from flame/fire retardant material.
 - Base plates or weighted bases to screening posts must not extend outside the licensed area.
 - All screens, posts and bases must be demountable.
 - Screens must be sufficiently robust to prevent overturning in adverse weather conditions.
4. Structures ancillary to tables and chairs licenced for outdoor dining such as the provision of awnings, coverings, canopies, parasols, shades, windbreakers, heaters or other similar structure for the purpose of facilitating outdoor dining will require a Section 254 licence.
5. With regard to no. 4 structures that are not ancillary to tables and chairs licenced for outdoor dining such as the use of overhead canopies and or screens fixed or hinged to the premises etc. is not authorised under this Street Furniture Licence. Planning Permission will be required separately.
6. A copy of the licence shall be prominently displayed at the main entrance outside the premises, so as to be clearly visible by members of the public and officials of Carlow County Council and An Garda Siochana. The licence will be deemed invalid if on inspection items

are found in the licensed area for which a licence has not been granted.

7. The granting of a licence does not automatically guarantee the renewal in subsequent years.
8. The licensee shall not sub-let the licensed area.
9. A change in use of the licensed area will require the submission of a new licence application.
10. The granting of a street furniture licence may not be taken as authorisation to proceed with building or other operations in respect of which the permission of Carlow County Council may be necessary under any other legislation.
11. The licensee shall maintain the area used for tables and chairs or other furniture in an acceptable condition so as not to constitute a nuisance. He/she shall indemnify Carlow County Council against all actions, suits, claims, demands by any person arising from injury or damage to person or property in consequence of the placement of the said table and chairs or other furniture on the footpath.
12. The Licensee shall be required to submit for inspection to Carlow County Council, and to continue to maintain evidence of Public Liability Insurance cover for limits of not less than €6.5 million 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 Carlow County Council.
13.
 - a. Furniture and other items shall be removed immediately if requested by Carlow County Council. Equally, Carlow County Council reserves the right to cancel, 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 Carlow County Council for suspending, cancelling or varying the terms of the licence.
 - b. 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 any statutory undertaker.
 - c. All costs incurred by Carlow County Council, including any repairs to the public road and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee. Only Carlow County Council shall carry out work on the public road/footpath. The licensee shall enter into an agreement with Carlow County Council to pay for any repairs to the footpath or public roadway arising from the licence.
 - d. Holes may not be made in the public road/footpath without the permission of Carlow County Council.
14. A clear and direct entry between the public footpath and the entrance to the premises shall be maintained at all times.
15. The tables and chairs or other items of street furniture etc, shall not obstruct visibility at junctions, accesses, etc.

16. No musical apparatus shall be used within the licensed area. And no music etc. shall be played or broadcast within the licensed area.
17. Access for maintenance purposes to public lighting equipment and the associated underground or over-head services shall be available at all times.
18. The licensed area shall not enclose any public lighting columns or apparatus or use public lighting equipment for unauthorised supports or attachments.
19. The siting of temporary structures in the vicinity shall be such as not to increase the hazard level of public lighting equipment beyond that normally experienced in the street environment.
20. Removal of public lighting equipment in the vicinity of proposed temporary structures will only be considered in exceptional cases. In these circumstances, the full cost of removal and relocation will be borne by the licence applicant.
21. All water main covers, sewer manholes and service access points for utilities shall be accessible at all times.
22. No table or chair or other item of street furniture shall be positioned over a fire hydrant.
23. If intoxicating liquor is being served in the area covered by this licence, the licensee must also comply with the requirements of the Intoxicating Liquor Acts. The attention of the Licensee is also drawn to Carlow County Council's Intoxicating Liquor Bye-Laws, July 2000, which prohibit the consumption of intoxicating liquor in public places. Failure to comply with the provisions of the Act & Bye Laws may result in the withdrawal of the Street Furniture Licence.
24. Colour type and size of logos, lettering and names applied to the screens, ancillary equipment etc, must be approved by Carlow County Council.
25. Heating appliances are subject to the following conditions;
 - a. Outdoor heating appliance should only be used outdoors.
 - b. Fuel cylinders and/or outdoor heating appliances
 - i. should not be stored or operated close to building vents.
 - ii. should not be stored where they may be impacted on moving vehicles.
 - iii. Should be properly ventilated
 - iv. Operated from safe distance from flammable objects (such as awnings, gazebos, fences, decorative pedestals and certain types of wood finish that may not withstand heat)
 - v. On pedestals, should not be used during excessive wind or rain. See 3 above.
 - c. LPG (Gas) cylinders must be stored in accordance with the recommendations contained in I.S. 3213: 1987 Code of Practice for the storage of LPG cylinders and cartridges.
26. All heating appliances should have the CE Mark and must be installed by a competent installer, maintained and used strictly in accordance with the manufacturer's requirements. The footpath clearance as specified in the licence must be maintained to front of the licensed area at all times. 'Footpath clearance' is defined as the distance between the front edge of the

licensable area and the edge of the footpath or the inside edge of any street furniture elements, bollards, columns etc., wherever such exist.

27. Street Furniture may only be placed on the street between the times specified on the licence / Planning Permission and will be removed except in cases where written permission has been obtained from Carlow County Council to alter the hours.
28. Carlow County Council may reduce the licensed area in any particular case, where the occupied space is required in the interests of public safety to facilitate an event during the course of the licence period.
29. The tables and chairs or other furniture shall be of robust and stable construction to prevent movement in adverse weather conditions and be agreed with Carlow County Council. Tables and chairs currently used indoors can be used outdoors if deemed suitable.
30. Business premises are not entitled to street furniture, on the public footpath or street until a licence is granted.
31. Storage of street furniture and ancillary equipment is expressly prohibited in a public area or in the vicinity of an emergency exit.
32. The decision of Carlow County Council can be appealed to An Bord Pleanála.

Duration of Licence

Please remember if a licence is granted this licence will only remain for the period stated on the Licence. (maximum period 12 months)

Licence Application Procedure

Applications for street furniture licences are dealt with under the Planning and Development Regulations made under the Planning and Development Act 2000 (as amended).

Every licence issued is subject to the General Conditions for Street Furniture Licences. In addition, specific conditions may be applied in respect of a particular licence. The issue of a licence is subject to the payment of a licence fee as prescribed in the Planning and Development Regulations.

Acceptable evidence of Public Liability Insurance cover indemnifying Carlow County Council must also be provided.

Prior to formally submitting an application, the applicant should contact the relevant Municipal District Office of Carlow County Council to arrange an on-site consultation meeting. The purpose of the meeting is to establish if capacity exists on the pavement to accommodate the proposed street furniture taking into account the existing street furniture and convenience and safety of road users, including pedestrians and vulnerable road users. This meeting is consultative only and does not bind Carlow County Council to issue a licence.

Licence application forms for Street Furniture on the public road/footpath may be obtained from the Planning Department, Carlow County Council, County Buildings, Athy Road, Carlow or by e-mail to planningdevman@carlowcoco.ie.

All application forms must be accompanied by:

- The official application form
- A site location map 1/1000
- 4 no. photographs of the premises
- 4. no. accurate dimensioned drawing (1/100 scale) 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.
- evidence of Public Liability Insurance cover for limits of not less than €6.5 million 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 Carlow County Council.** Carlow County 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.
- Payment of the licence fee, in accordance with the Planning & Development Regulations 2001(as amended), Schedule 12 Licence Fees under Section 254 of the Planning and Development Act 2000 (as amended), Planning and Development (Street Furniture fees) Regulations 2021 and Planning and Development (Amendment) (No. 2) Regulations 2021. (see extract of Schedule 12 – Part 1 below)

Notes:

In addition to the above applicants may be required to submit either of the following:

- i. Evidence that food is sold for consumption on the premises.
- ii. Evidence that an Intoxicating Liquor Licence has been issued in respect of the premises.
- iii. Details of screens proposed to enclose the licensed area.

Completed Application Forms, Drawing(s), Insurance Declaration, Insurance Policy Details and fee payment should be returned directly to the Planning Department, Carlow County Council, County Buildings, Athy Road, Carlow.

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 €1270.00 or at the discretion of the Court to a term of imprisonment not exceeding six months or to both such a fine and imprisonment.**

CARLOW COUNTY COUNCIL STREET FURNITURE LICENCE APPLICATION

Planning and Development Act 2000 Section 254 (as amended)
Planning and Development Regulations 2001 (as amended) (Article 201)
Planning and Development (Street Furniture fees) Regulations 2021
Planning and Development (Amendment) (No. 2) Regulations 2021
Roads Act 1993 (Section 71)

Please tick:

FIRST APPLICATION

RENEWAL OF PREVIOUS LICENCE

PREVIOUS LICENCE No. _____

Applicant Details

Please Use Block Capitals

Applicant Name (<i>Applicant is to be principle licensee and not agent on behalf of applicant</i>)	E-mail
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Applicant Telephone Number/Business Number	Mobile Number
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Applicant Address

State Applicant's Legal Interest in Premises (i.e. freehold, leasehold etc.)
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Person(s) Submitting Drawings and Application Details

Agent Name	E-mail
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Agent Telephone Number	Mobile Number
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Agent Address

Name and Address to which notifications should be sent

Location Details

Street Name	Location (Incl. Eircode)
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Proposed Licenced Area

Length (m)	Area (m2)
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Width (m)

No. of Chairs	No. of Tables
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Table Dimensions

Description of canvas/screen(s) to be used if applicable

Description of proposed area where furniture and ancillary equipment will be stored outside of the operating hours of this licence

Separate area provided in compliance with the Public Health (Tobacco) Act 2002 Yes No

Note: A smoking area cannot form part of the allocated area licenced for the placement of tables and chairs.

Proposed Hours of Operation

Insurance Details

Name of Insurance Company

Policy No.

Expiry Date

Calculation of Fee (if applicable under the Regulations)

Documents To Accompany this Application

Drawing
(Accurate Dimensioned Sketch)

Insurance
Declaration

Insurance Policy
Details

Photographs Of
Location

Declaration

I confirm that all the above information is correct. I am aware that if a licence is granted it does not exempt me from the provisions of any other legislation. I am aware that advertising boards on the public pavement are not permitted at any time and will be removed by Carlow County Council.

I have been notified that breaches of the Conditions of this licence may lead to this licence being suspended or revoked.

I have read and agree to abide by the general conditions that apply in respect of Street Furniture Licences and by any specific conditions, which may be attached to the licence by Carlow County Council.

Signed by Applicant:

Print Name

Signature:

Date:

Privacy & Data Protection

Personal information collected by Carlow County Council is done so in order for to process this application. Legally Carlow County Council can process this information as it is necessary for to comply with our statutory / legal obligations. The protection of your personal data is a key priority for the Council and your data will be processed in line with our Privacy policy. If you require further information regarding our Privacy Statement, you can contact the Data Protection Officer, Carlow County Council, County Buildings, Athy Road, Carlow 059 9170300.

Freedom of Information

Applicants should be aware that, under the Freedom of Information Act 2014, information provided in this Application may be liable to be disclosed. Applicants are asked to consider if any of the information provided in the Application should not be disclosed because of confidentiality or commercial sensitivity. If Applicants consider that certain information is not to be disclosed because of confidentiality or commercial sensitivity, Applicants must, when providing such information, clearly identify such information and specify the reasons for the confidentiality or commercial



sensitivity. If Applicants do not identify information as confidential or commercially sensitive, it is liable to be released in response to a Freedom of Information request without further notice or consultation with the Applicant. Carlow County Council will, where possible, consult with the Applicant about confidential or commercial sensitive information so identified before making a decision on a request received under Freedom of Information.

CARLOW COUNTY COUNCIL STREET FURNITURE LICENCE APPLICATION

Planning and Development Act 2000 Section 254 (as amended)
Planning and Development Regulations 2001 (as amended) (Article 201)
Planning and Development (Street Furniture fees) Regulations 2021
Planning and Development (Amendment) (No. 2) Regulations 2021
Roads Act 1993 (Section 71)

INSURANCE DECLARATION

I hereby confirm that the insurance policy as set down hereunder provides for indemnification of Carlow County Council against third party claims arising from the use by me of the public road/footpath in respect of the licensed area. Public Liability Insurance cover for limits of not less than €6.5 million

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

- **A licence is required under section 254 of the Planning and Development Act 2000 (as amended), Planning and Development Regulations 2001 (as amended), Planning and Development (Street Furniture fees) Regulations 2021, Planning and Development (Amendment) (No. 2) Regulations 2021 in respect of the erection, construction, placing or maintaining of:-**

		Fee per annum
(a)	A vending Machine or coin operated machine (not being a weighing machine)	€125.00
(b)	Town or landscape map for indicating directions or places	€25.00
(c)	Hoarding, fence or scaffolding	€1,250.00 (€125.00 per month or part thereof)
(d)	Advertisement structure (other than advertisement structure specified in paragraph (dd))	€630.00
(dd)	An Advertisement structure (being of a finger post type not exceeding 1 metre in length) consisting of a directional sign to indicate tourist accommodation	€50.00
(e)	Cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe)	€25.00 per 100 metres length or part thereof
(f)	Telephone kiosk or pedestal	€630.00
(g)	A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in or in connection with any adjacent business premises.	€125
(h)	Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises	€125.00 per table
(i)	Advertisement consisting of any text, symbol, emblem, model, device or logo	€630.00
(j)	A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol or oil pump	€25.00
(k)	A weighing machine	€63.00
(l)	A Bring Facility	€25.00