

LICENCE APPLICATION FOR STREET FURNITURE ON PUBLIC ROAD/FOOTPATH.
SECTION 71 ROADS ACT 1993 (AS AMENDED)
SECTION 254 PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

LICENCE APPLICATION PROCEDURE:

- 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 Clare County Council.** Clare County Council reserves the right to review this limit of indemnity for adequacy. The insurance policy shall be submitted with the application 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 submitted directly to the Planning Authority, Clare County Council, New Road, Ennis, County Clare.
- The Planning Authority, following consultation with the Area Engineer, Fire Services Department, An Garda Síochána and any other relevant agencies, 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.
- 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 (see (vi) below). 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.
- Where an application form includes the provision of a wind barrier with promotional emblem/logo/advertising on the structure an annual charge of €630 applies

NOTE: Any licence granted will only remain in effect for one year only.

NON COMPLIANCE WITH THE LICENSING PROCEDURE:

Under Section 71 of the Roads Act 1993 (as amended) 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. Also under Section 254(9) of the Planning & Development Act 2000 (as amended), it is an offence to erect, construct, place or maintain an appliance, apparatus or structure on, under, over or along any public road without having a licence to do so. **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.**

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

- (i) Completed Application Form
- (ii) A detailed plan showing the location of the proposed furniture
- (iii) Insurance Declaration (attached to this form)
- (iv) Copy of Insurance Policy Endorsement
- (v) In the case of a wind barrier, a plan showing details of any proposed advertising/promotional emblem/logo should be provided where applicable.

Please Note: where an application is deemed "incomplete", the entire application as submitted will be returned to the applicant noting the additional documentation required.



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FIRST APPLICATION RENEWAL OF PREVIOUS LICENCE PREVIOUS LICENCE No. _____

Name and Address of Premises for which Licence is applied for:	
Name and Address of REGISTERED OWNER/COMPANY of Premises that is seeking a licence	Mobile Telephone No: _____ Business Telephone No: _____
Name and Address to which notifications should be sent:	
Please provide a brief description of proposed Licence Application: (You are required to include details of the number of desired tables and chairs along with details of any ancillaries such as umbrellas, windbreakers, gas heaters, sandwich boards etc.)	
If furniture and ancillary equipment is being stored outside when not in use, provide a description of the proposed area to be used for this purpose.	Note: It is not permitted to store tables and chairs in a public area or where they may impede an emergency exit.
Licences for Street Furniture are effective for one year only. If you require a licence for a period of less than a year please specify the dates.	From: _____ To: _____
Separate area provided in compliance with the Public Health (Tobacco) Act 2002 Yes <input type="checkbox"/> No <input type="checkbox"/>	
<i>Note: A smoking area cannot form part of the allocated area licenced for the placement of tables and chairs.</i>	
Dimensions of Area - Length x Breadth to be enclosed by Removable Barrier	

PUBLIC LIABILITY & EMPLOYER LIABILITY INSURANCE DETAILS

Name of Insurance Company: _____

Policy Number: _____

Expiry Date: _____

Value: _____

I agree to abide by the conditions attached to any Licence issued in relation to this application

SIGNATURE OF APPLICANT: _____

NAME: (BLOCK CAPITALS): _____ DATE: _____

**RE: LICENCE APPLICATION FOR STREET FURNITURE ON PUBLIC ROAD/FOOTPATH.
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INSURANCE DECLARATION

I hereby confirm that the insurance policy as set down hereunder provides for indemnification of Clare County 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: _____

Name: (BLOCK CAPITALS): _____

Date: _____

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