



Comhairle Bhaile Mhuineacháin
Monaghan Town Council

Policy Document (2010) for the...

LICENSING OF STREET FURNITURE, GOODS DISPLAYS,
SANDWICH BOARDS & OTHER SUCH STRUCTURES...

when placed on a public road/street.

Planning & Development Act, 2000 – Section 254
Planning & Development Regulations 2001 as amended



“Streets make up about 80 per cent of our urban public spaces;
it's critical that we get their design right.”

(www.cabe.org.uk)

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Part I

Legislation

Section 254 of the Planning & Development Act, 2000.
Part 17, Chapter 1 and Schedule 12 of the Planning & Development Regulations 2001 as amended.

Policy

In determining this 'Street Furniture, Signs & other such Structures' Policy, Monaghan Town Council gave consideration to the objectives of the Monaghan Town Development Plan 2007-2013 and any pertaining sections of the Monaghan County Development Plan 2007-2013.

Design and the Public Realm

Streets communicate as well as connect. The way in which our streets and public spaces are configured and the ways in which they are managed and maintained, sends signals about our values and aspirations. They communicate how we value the past, and how we wish to see the future.

Creating a comfortable and stimulating public realm is not simply an exercise in urban landscaping; it requires that issues relating to safety, street furniture, lighting and signage are also considered. The principle aim of this Policy Document is to minimise visual and physical clutter by coordinating the siting of street furniture, goods displays, sandwich boards and other such structures.

Granting of licences will be consistent with Town Development Plan policy and in particular, the objective to "protect and enhance the unique heritage, character and streetscape of the town".

Street Furniture

Spaces within the town centre are restrictive with regard to the provision of street furniture, such as the introduction of tables and chairs to front pubs and restaurants. Parts of The Diamond and Church Square may be suitable, but given the generally restrictive context, no specific licensing areas or permitted time periods have been designated; all license applications within the Town Council Boundary will be considered on merit.

Generally, licences will only be given in areas where at least 1.8m of footpath clearance is left for pedestrian movement. Set backs in the pavement may be considered where the width of the remaining pavement does not diminish.

Displaying of Goods

The displaying of goods for sale in front of shops on the public road and street can lead to user conflict and the likely obstruction of pedestrian movement. Consideration may be given to licenses for shops which are (i) set back from the public footpath, (ii) in an area which will not unduly obstruct

pedestrian movement, or (iii) of a type that traditionally displays goods on the pavement.

Sandwich Boards

Due to the likely obstruction quality of such structures, it is not the intention to issue a licence for advertising/menu boards other than those (i) allowed inside the licensed area given for table and chairs or (ii) in an area which will not unduly obstruct pedestrian movement.

This policy will prevail from the 2010 period and will be open to monitoring and review in subsequent years.

Part II

Licences

A Licence is required for the placement of street furniture & other such appliances/structures on the public footpath/street.

If being used for the purposes of accommodating tables and chairs, such a Licence will only be issued to premises whose primary use is for the selling of food and/or drink and who already provide seating inside the premises and on the ground floor for the purposes of consumption of same.

A Licence will only be issued to premises that are fully authorised under the Planning Acts.

Applying for a licence

Prior to formally submitting an application, the applicant should contact the Town Council to arrange an on-site consultation with the Town Engineer so as to establish if capacity exists on the street/pavement to accommodate the proposed number of tables and chairs or other such structures, taking into account the existing street furniture and the convenience and safety of road users, especially pedestrians. This meeting is consultative only, and does not bind Monaghan Town Council to issue a licence.

Following the on-site consultation the applicant shall;

1. Publish a notice in a newspaper of the making of an application. The notice must be in the prescribed format, must appear in an approved newspaper for the Monaghan Electoral Area and must be published not earlier than 2 weeks prior to the date of lodgement of the application.
2. Erect a site notice on the site of the application for a period of 1 month from the date of lodgement of the application. The applicant should furnish proof of said notification to Monaghan Town Council when lodging the licence application.

Both the notice in the newspaper and the site notice must state the following;

- ✓ The name of the applicant.
- ✓ The nature of the licence applied for, whether for street furniture, a goods display, a sandwich board, etc. If applicable, quantify the number of tables and chairs.
- ✓ The exact address to which the licence will relate.
- ✓ The extent of the area to which the licence will apply, in square metres.
- ✓ That the application may be inspected at the offices of Monaghan Town Council, 1 Dublin Street, Monaghan Town and that any observations on

the licence application must be submitted in writing to the above address within a period of 4 weeks from the date the application is lodged.

3. Submit a completed application form, with enclosures, to;

Monaghan Town Council,
1 Dublin Street,
Monaghan Town.

With an application fee (non-refundable) of €50.

If a licence is ultimately granted, an annual street space rental charge, based on the area covered by the licence will be applied (€50 per sqm) for the use of the public footpath. In addition, a licence fee, calculated as per Schedule 12 of the Planning & Development Regulations, will also apply. Fees are payable before a licence will be issued.

Notes;

(A)

All applications must be made on the official application form and must be accompanied by a 1/100 drawing of the proposed licence area, which indicates the following;

- All utilities/services (lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins, etc) within 10m of the proposed area.
- All in situ items of street furniture within 10m of the proposed area.
- Dimensions of the proposed licensed area, and the positions and dimensions of any tables, chairs, signs or such structures to be placed within said area.

In addition, a 1:1000 site location map identifying the proposed licence area in red shall be submitted, along with a photograph of the premises showing the erected site notice.

The licensee is also required to have Public Liability and Employer Insurance cover to a minimum value of €2.5 million indemnifying Monaghan Town Council against all third party claims. On the licence application and Insurance Declaration, the name of the Insurance Company providing the cover, together with the policy number and the date of expiry must be stated. This insurance policy must be submitted for inspection to Monaghan Town Council before a licence will be issued.

(B)

Where applicable, the applicant should submit the following;

- Confirmation of the sale of food on the premises.
- Details of screens proposed to enclose the licensed area.
- Confirmation that the premises are covered by an issued Intoxicating Liquor Licence.

(C)

Applications will be processed within 8 weeks from the date of receipt of the application.

Objections/observations in relation to an application must be lodged within 4 weeks from the date of receipt of the application.

Each licence granted will include a set of conditions and will be issued for a maximum of 1 year. The period of the licence will be as set out on the licence. The granting of a licence does not automatically guarantee its renewal for the following year. Renewal applications should be made a minimum of 8 weeks in advance of the expiration of the licensing period. A change of use of the licensed area shall require a new application. Refusals will be accompanied by details of the appeal procedure.

Part III

General Licence Conditions for the placing of street furniture, signs & other such structures on the public road and/or footpath

- 1.** The Licensee is responsible for the management and supervision of the licensed area.
- 2.** The Licence permits the Licensee to place the permitted structures(s) within a designated licensed area (specified on the licence) abutting the licensee's premises. In all other respects the Licensee is required to comply with all national and local legislation including Health & Safety legislation and the Intoxicating Liquor Act 2003.
- 3.** If being used for the purposes of accommodating tables and chairs, the Licensee must at all times prevent drunkenness and prevent the consumption of intoxicating liquor by persons under 18 years of age within the licensed area.
- 4.** The licence is annual and the licensing period will be from the 1st January to the 31st 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 insurance is 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 licensed area.
- 6.** The licence shall be prominently displayed within the premises for inspection by authorised employees of Monaghan Town Council or members of An Garda Síochána.
- 7.** Street furniture, signs and/or other such structures must not be placed or allowed to migrate outside the licensed area.
- 8.** If being used for the purposes of accommodating tables and chairs, the total number of patrons within the licensed area shall not cause the area to be overcrowded.
- 9.** If being used for the purposes of accommodating tables and chairs, the licensed area to be enclosed by an approved, free standing, removable barrier, not exceeding 1.2 metres in height, which together with the 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 associated premises.

10. All watermain covers, sewer manholes, public lighting & associated equipment and service access points for Monaghan Town Council, ESB, Gas Company and Telecom services shall be accessible at all times and no table, chair, advertising board, or goods display shall be positioned over a fire hydrant.

11. Direct entry between the public road/footpath and the entrance to the licensed premises shall be maintained at all times.

12. Visibility at junctions, accesses, etc, shall not be obstructed by the licensed street furniture, signs or other such structures.

13. If being used for the purposes of accommodating tables and chairs, the Licensee shall put in place, facilities for the disposal of cigarette litter subject to any requirements under the Planning Acts.

14. No tables, chairs, advertising boards or goods displays are permitted outside the designated licensed area.

15. The use of side awnings or front awnings to cover or enclose the designated licensed area is strictly prohibited, except in the circumstance where planning permission for same has been granted.

16. Any street furniture, signs or other such structures shall be of robust and stable construction so as to prevent movement by wind and 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 for the cleaning of the licensed area, together with the area between the designated licensed 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 musical apparatus shall be used within the licensed area.

22. 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 Monaghan Town Council or any statutory undertaker.

23. All costs incurred by Monaghan Town 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.

24. The Licensee is required to have Public Liability & Employer Insurance cover with a minimum indemnity cover for a single accident of €2.5 million, indemnifying Monaghan Town 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 street furniture, signs and/or other such structures on the public road/footpath. 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.

25. Items/structures placed within the licensed area shall be removed immediately in exceptional circumstances if requested by an authorised employee of Monaghan Town Council or a member of An Garda Síochána. The reason(s) for this removal will subsequently be confirmed in writing.

26. Items/structures placed within the licensed area shall be removed immediately to facilitate access by emergency services i.e. Fire Brigade or Ambulance Service.

27. The Licensee shall be required to remove all appliances or structures for particular events or dates on written notification from an authorised employee of Monaghan Town Council or a local District Superintendent of An Garda Síochána.

28. Monaghan Town 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 Monaghan Town Council for suspending, cancelling, withdrawing or varying the terms of the licence.

29. Failure to comply with the terms and conditions of the Licence constitutes an offence which is subject on summary conviction to a fine not exceeding €1270 or, at the discretion of the Court, imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

“Design of the public realm should create legible,
efficient and stimulating environments.”
(The Urban Design Compendium 2, 2007)

Part IV

APPLICATION FORM - LICENCE FOR THE PLACEMENT OF STREET FURNITURE, SIGNS & OTHER SUCH STRUCTURES ON A PUBLIC ROAD/STREET

Please complete this form in a legible fashion.

APPLICANT DETAILS

Name: _____

Telephone #: _____

Address: _____

SITE AREA

Address: _____

DEVELOPMENT DESCRIPTION (type, numbers, dimensions, etc)

INSURANCE DETAILS

Company: _____

Policy #: _____

Expiry Date: _____

OTHER INFO

VERIFICATION OF INFORMATION

I certify that all information which I have provided is correct. If a licence is ultimately forthcoming, I agree to abide by the conditions attached by Monaghan Town Council and to pay the licence fee and space rental charge, as calculated below, within 2 weeks of notification of a decision to grant the licence. Evidence of Public Liability Insurance indemnifying Monaghan Town Council up to €2.5M and a non-refundable application fee of €50 is enclosed with this application.

Signed: _____ Date: _____

Please note, all correspondence/notification shall be sent to the applicant at the stated address.

Fee Calculation Table

Application Fee – €50.

Licence Fee – _____ (as per Schedule 12 of the P&D Regs 2001).

Space Rental Charge – _____ (€50 per m²)

Total Charge – _____

Schedule 12 of the P&D Regs 2001

Appliance, apparatus or Structure

Licence fee

Part 1

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| (a) A vending machine or coin operated machine (not being a weighing machine). | €125 |
| (b) A town or landscape map for indicating directions or places. | €25 |
| (c) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road). | €1250 |
| (d) An advertisement structure. | €630 |
| (e) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe). | €25 per 100m length or part thereof |
| (f) A telephone kiosk or pedestal. | €630 |
| (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 per table |
| (i) An advertisement consisting of any text, symbol, emblem, model, device or logo. | €630 |
| (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 |
| (k) A weighing machine. | €63 |
| (l) A bring facility. | €25 |

Part 2

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| (a) A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations 1974. | €125 |
| (b) A lamp-post. | €25 |
| (c) A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed after 1st October 1964. | €125 |
| (d) A cellar or underground structure constructed on or after 1st October 1964. | €125 |
| (e) A cable for conducting electricity for domestic or agricultural purposes only. | €125 |