

## **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.