

Updates to the Policy document 2011
Licensing of Outdoor Tables and
Chairs and other street Furniture

Galway City Council, 2024

2011 Policy

Licensing of Outdoor Tables and Chairs and other Street Furniture

Policy
Document
2011



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Improving Life in the City

- **City Centre** - Outdoor seating in Galway City contributes to a high quality environment and public realm. It enhances the experience and ambiance of the city centre and boosts the local economy.
- **Policy Guidelines** - Galway City Council set out the policy guidelines with respect to licensing of outdoor seating areas and appliances along the public road or footpath in the Policy Document - **Licensing of Outdoor Tables and Chairs and other street Furniture** which was issued in 2011.
- **Economic impact** – The demand for external seating areas now forms an essential part of the business model for restaurants and cafes.
- **Impact on Policy** - Demand on the Local Authority to review and revise the Policy to allow flexibility on a street by street basis and a case by case basis as business owners have indicated and are aware of how an increase in the area to the front/side of premises for Licensing of Outdoor Tables and Chairs are to the business.
- **Impact on Built Heritage Assets** – positive impact on public realm and built heritage provided all businesses comply with the conditions attached to their specific Licence.
- **Public Realm Opportunities** in the near future for enhanced outdoor seating areas with new and improved public realm on streets and spaces in the City Centre as identified in the public realm strategy and with the delivery of upcoming Active Travel Projects e.g. the Cross City Link.
- **Increase in Revenue** for Galway City Council as Licence Numbers have increased annually.
- **Impact on Monitoring by Wardens** - Concerns outlined regarding the ability to adequately and effectively monitor the street furniture Licenced area given the poor standard of mapping submitted with applications.
- Therefore, a review of the **2011 Policy Document - Licensing of Outdoor Tables and Chairs and other street Furniture** warranted.

Legislation

- Galway City Council in considering an application for a licence shall have regard to the **proper planning and sustainable development of the area**, any relevant **provisions of the development plan**, the number and location of existing apparatus, appliances and structures on, under, over or along the public road and the convenience and safety of road users including pedestrians.
- **City Development Plan 2023-2029 Objectives** including Policy 10.1 City Centre, Policy 8.8 Urban Design and Placemaking and Policy 4.4 Sustainable Mobility – Walk and Cycle. Enhancements to public realm bring sustainable socio-economic, environmental and cultural benefits to the city and improve connectivity and accessibility.
- **The Galway Public Realm Strategy (2019)**, provides a comprehensive and flexible, long term strategy to deliver high quality public realm. Projects identified in the public realm strategy have been prioritised for delivery by the Council to provide significant new and improved public realm on streets and spaces.
- Under **Section 254 (6) (a), of the Planning and Development Act 2000** (as amended) any person may, in relation to the granting, refusing, withdrawing or continuing of a licence or to the conditions specified by the planning authority for such a licence, appeal to An Bord Pleanála.
- A licence will generally only issue to premises that are substantially compliant under the Planning Acts. A Section 254 license cannot be issued until a business/ use is **compliant under the Planning and Development Act 2000 (as amended)**. This includes for use for the selling of food/drink and provision of seating for the purposes of consumption of food/drink at ground floor level. A planning history search of the site/property can show the current planning status.

Impacts of outdoor seating

- The council is committed to the Barcelona Declaration which promotes an inclusive and accessible environment. Maintenance of access for emergency vehicles must also be given priority. Along pedestrianised streets a minimum **4m of unrestricted free passage should be available and maintained.**
- The provision of outdoor seating and other appliances (eg. Canopies, barriers, advertising boards, planters) along footpaths or pedestrian areas can impact on pedestrian movement, the movement of vulnerable users and can impact on adjacent retailers. They can have an undesirable visual impact on the streetscape and can impact on the heritage value of buildings.
- Along the narrow pedestrianised streets where this is not achievable and dependant on the intensity of pedestrian flow, exceptions may be made. In these cases **generally 1.8m minimum width should be maintained free from structures**, to allow sufficient space for people to walk freely.
- Along the non pedestrianised streets, there are only limited opportunities to provide outdoor seating areas as the majority of footpaths do not have sufficient width. **In certain cases set backs in the footpath can allow for seating.**

Freestanding canopies/side awnings

- The city centre is the most important area of built heritage in Galway with many protected structures and is designated as the City Core Architectural Conservation Area in City Development Plan 2023-2029. The protection and enhancement of the streetscape quality of an ACA can contribute to increased vitality and act as a catalyst for economic investment in the area.
- While canopies/awning have functional merits in providing shade from the sun and shelter from the rain, they can have a significant impact on the character and appearance of a building and their proliferation can impact on the character of the streetscape. The use of inappropriate material such as plastic and pvc with extensive advertising can have a significant negative impact on the street scene. An abundance of these canopies along the street can have an untidy and cluttered appearance and can obscure adjacent retail shops. See design guidance in '*Design Guidelines: Canopies*', Galway City Council, 2011.
- The use of side awnings and front sections which completely enclose the seating area are not permitted. They result in blocking the street vista, they screen building views and become the dominant element of the street. Only in exceptional circumstances will freestanding canopies/awnings be permitted within the licenced area.
- Unlike tables and chairs and free standing canopies which are the subject of licensing, the provision of awnings/canopies attached to premises are subject to planning permission.

Primary use of Premises and Licensing hours

- Licensing only applies to those premises whose primary use is for the selling of food/drink and who already provide seating and tables inside the premises and on the ground floor for the purposes of consumption of food/drink.
- In general, the licensing hours are from 11.30am to midnight. Where there is potential conflict with residential amenity, licences may not be permitted or may be permitted to operate under specific standards and conditions eg. limited licensing hours, noise standards etc. Provision must be made for waste management and storage of furniture off the street after licensing hours.
- The most appropriate areas of the city for outdoor seating are the pedestrianised streets of the city centre where restaurant/pub/cafe uses are predominant and where pedestrians can most easily be accommodated by maintaining a minimum 4 metres of unrestricted free passage.
- Those pedestrianised streets which are the primary retail streets, where restaurant/café/pub uses are more limited, is where the conflict of movement is more likely to occur, particularly during shopping hours. Outdoor seating in this area will only be entertained where it can be demonstrated by the applicant that there is no deterioration in the primary use of the street for retail use and pedestrian free flow is maintained.
- The improvement to Eyre Square/Kennedy Park ie. the pedestrianised area along the south-western section has given opportunities for outdoor seating. Other civic spaces such as Fishmarket may also be suitable for outdoor seating. Salthill is a significant tourist destination with many restaurant/pub/café facilities and potential for the provision of enhanced outdoor seating.

Layout of outdoor seating areas

- Outdoor seating areas must demonstrate best practice in design and layout in order to enhance the streetscape and to minimise pedestrian disruption. Outdoor seating areas should seek to integrate into the outdoor environment and the streetscape rather than try to create an extension of the indoor environment.
- In all cases 1 metre is considered the minimum practical depth which will accommodate a table and two chairs parallel to the premises. The extent of the area to be licenced should not exceed 2m from the front line of the premises. In certain cases where there is not sufficient street/footpath width, a lesser width may be required.
- As a result of the 2011 Policy Review Galway City Council have (in some cases Planning Staff measures the area relative to the appropriately scaled site layout map) considered and increased the extent of the area to be licenced.
- The licenced area must not interfere with vehicle sightlines or give rise to a traffic hazard and all emergency exits and routes must be kept clear.
- The extent of the area to be licensed will depend on the size of the premises and the extent of its frontage. In general, the seating area will be located adjoining the premises. In some cases where there is a clear pedestrian desire line along the frontage of the premises, it may be more appropriate to leave a gap between it and the licenced area.

Means of enclosure/Barriers

- Licenced areas require demarcation to reduce the risk of obstruction to pedestrians. A **windbreaker type barrier** is required to denote the limits of the licenced area and to prevent overspill onto the street. In limited cases, it may be more suitable to omit barriers and use markers to demarcate the boundary of the licenced area.
- The design and quality of the barrier must complement the character of the area. Barriers should be canvas sail type material of a muted, neutral palette of colours. No advertising of products will generally be allowed on the barriers. A small logo or the premises name may be permitted. Enclosures should not exceed 1.1m in height. Solid timber/plastic barriers with glass shall not normally be permitted. Barriers shall be of stable construction to prevent movement by wind etc. Planters can be used in limited circumstances as part of the means of enclosure but must be removed with the barriers outside of the licenced hours.
- **Other apparatus and appliances** - A licence is required for the placement of other items on the footpath or within pedestrianised areas. These items include advertising boards, display racks or placement of goods for sale outside of shop premises.
- Some shops traditionally display goods on the footpath. These include flower shops and hardware shops. These displays can provide visual interest and enhance the character of the streetscape. The display of goods along the footpath should however, not create an obstruction to pedestrian movement or conflict with other road users or negatively impact on the streetscape. Outdoor furniture must be of a high quality. Poor quality garden furniture will not be permitted.

How to apply for a licence

- An application for a licence may be made to the Planning Section, Galway City Council, City Hall, College Road, Galway. Applications or renewal applications should be made a minimum 4 weeks in advance of the period for which the licence is being sought. Applications will be processed within 4 weeks. The application form has been updated so as to allow Online application in the near future. Online application will ensure all details are submitted as required. A fully completed application form must be accompanied by:
- Site plan to scale 1:1000 clearly identifying the proposed licence area in red;
- A layout plan to scale 1:50 or 1:150 indicating the proposed tables and chairs within the proposed Licence area and any insitu structures such as lampposts, bollards, bins and utilities; Dimensions of the proposed licensed area and the location and dimensions of the tables, chairs or other items of furniture to be located within the area;
- Detailed specification of the tables and chairs to be used; Detailed specification of the barriers proposed to enclose the licensed area;
- Details of all other ancillary appliances to support the provision of tables and chairs (eg. planters, menu boards, lighting).
- Details of refuse disposal/storage/management plan proposed for the licensed area.
- A public liability policy or cover note (indemnity up to €6.4million in the joint names of the applicant and Galway City Council);
- The appropriate fee.

Flexibility in Policy changes – Improving Life in Galway City

- Option to apply Online via Galway City Website via the updated application form in the near future. The Planning Authority shall List all of the Applications submitted to Galway City for a S254 Licences for Tables and Chairs on the Council website e.g. Reference Number, the Business Name and Street address.
- The S254 Licence with specific conditions or refusal reasons can be appealed to ABP. The onus is on the applicant to demonstrate how the street furniture can be accommodate within the confines of the area proposed.
- Applicants are submitting site plan to scale 1;500 as outlined in the current Policy 2011. The policy update shall require all application for S254 Street furniture to submit an appropriately scaled site layout map (preferably 1:50 or 1:150) clearly showing the exact layout and dimensions of the proposed tables and chairs with enclosing canvas barriers within the confines of the Licence area along the frontage of the property. Future applicants are advised to commission a suitable qualified agent to advise, draft and submit an appropriately scaled map of scale (preferably 1:50 or 1:150) which would be a once off cost and could be used annually.
- The site layout map (scale 1:50 or 1:150) shall also clearly demonstrate the width and area of the pedestrian space to be retained along the footpath between the front of the building and the proposed Licence area AND also the area to be retained along the street/road relative to the proposed Licence area (while also acknowledging any permitted Licence across the road) in the interest of orderly development, pedestrian safety and visual amenity.
- New conditions to be added to Galway City Council's *Licensing of Outdoor Tables and Chairs and other Street Furniture, Policy Document 2011* including the appropriately scaled site plan, expand details in relation to the Screens/Barriers and strictly limit advertising of alcohol. Text changes required to update policy in relation to the Galway City Development Plan Policy Objectives 2023-2029, new text to allow flexibility ie. in new Public Realm areas or extended footpath areas. The Community Wardens will undertake monitoring of the licensed areas in the interest of safety and so as to enhance the ambiance of the city centre.

Eyre Square/Kennedy Park – Greater flexibility/amendments to 2011 Policy

Galway City Council increased the extent of area to be licenced in some cases where proven by the applicants that acceptable ie. to 4m along the frontage of some premises for example the Skeffington Hotel and Restaurant and Gatto Rosso Eyre Square. The area was increased to 2.5m from the property frontage of some properties to date including Café Nero, McCambridges, Kings Head, Garavans.

