

Office Use

Licence no	
Date Received	

Fee Due	
Date paid	
Fee ID	
Receipt no	



**NORTH LANARKSHIRE COUNCIL**  
**Environmental Assets**  
**Roads (Scotland) Act 1984, Section 59**

**APPLICATION FOR PERMISSION TO OCCUPY THE ROAD WITH STREET FURNITURE**

<b>APPLICANT DETAILS</b>			
I/We* Name: _____			
Address: _____ _____			
Telephone No: _____			
am/are* applying for permission under Section 59.1 of the Roads (Scotland) Act 1984 to occupy a portion of road with furniture for the purpose of a street café/Street Market/Promotions Stand			
Premises Address _____ _____			
<b>Date From:</b>		<b>Date To</b>	

Type of Business	
<b>SITE DETAILS</b>	
Description of area you wish to place Street Furniture. A detailed plan must be attached with your application	
Length of Proposed Area (m)	
Width of Proposed Area (m)	

I / We \* confirm receipt of the notes for Guidance and conditions as attached and agree to comply with said conditions.

\*Delete as appropriate

Signed \_\_\_\_\_ Date \_\_\_\_\_

Official Designation \_\_\_\_\_

Note:

- For the purposes of the Act, the definition of "road" includes the footway.

## CONDITIONS FOR THE TEMPORARY OCCUPATION OF A PORTION OF ROAD IN CONNECTION WITH STREET FURNITURE

Roads (Scotland) Act 1984, Section 59

### GUIDANCE NOTES FOR APPLICANTS AND CONDITIONS FOR CONSENT

The completed application form and the payment must be submitted with a copy of a large scale plan of the extended area, to scale (not less than 1:1,250), and show footway widths, positions of any street furniture (i.e. posts, columns, bollards, cabinets etc.), fire exits and dimensions for the premises at (address of premises). You shall at all times leave sufficient footway space for use by members of the public, as agreed with the Council, and indicated on the plan of the extended area. You shall also ensure that the use of the extended area does not interfere with the use of bus stops by members of the public.

The Application form and the plan must be submitted to [roadspermits@northlan.gov.uk](mailto:roadspermits@northlan.gov.uk) at least 10 working days in advance of the required start date (one month notice is required in traffic sensitive situations) in order to ensure that you have obtained the necessary permissions prior to the Road being occupied. Payment will also require to be made at this time.

- Charges are based on a 28 days duration of the road occupation per each application. Please note that where an extension is required beyond the agreed period as stated on the Permit, a new application must be submitted with the payment of a new charge.
- The fees charged for a Road Occupation Permit are published on the Council website at: <https://www.northlanarkshire.gov.uk/CHttpHandler.ashx?id=5821&p=0>

Permission to use any part of the adopted road, including the footway, for street furniture is granted by the issue of a permit by the Council as the Roads Authority under Section 59 of the Roads (Scotland) Act 1984. Street furniture placed on any part of the adopted road or footway without permission constitute an obstruction and the Council will take enforcement action in such cases.

The granting of permission under Section 59 of the Act only relates to occupation of the road and applicants will need to ensure that they obtain all other necessary permits and permissions eg planning consent, alcohol licencing.

The granting of other relevant permits/consents should not be taken as an indication that occupation of the road will be permitted.

Street cafes and promotions stands will be considered on footways and other areas where there is public access. The minimum width of unobstructed space between the carriageway and the front of the street café or promotions stand must be no less than 1.8m. In streets with high pedestrian usage, and in pedestrianised areas, the minimum width will be greater. Each application will be judged on its merits and the unobstructed space will be set according to the street type and frequency of pedestrian usage.

If the street café or promotions stand is directly in front of the applicant's premises then a 1.5m wide unobstructed access corridor to the premise's entrance must be maintained at all times.

The street café must be surrounded by a physical barrier of not less than 0.6m in height to guide people with disabilities around the area and this should include a low level kick board or similar which can be detected by the visually impaired using a stick. These barriers must not be fixed to the ground and must be of a design agreed by the Council. There should be no free standing signs or other impediments placed out-with this barrier. Tables, chairs and associated barriers must be removed from the area promptly after trading hours. The extended area shall at all times be kept in a clean and tidy manner. No permanent structure shall be placed in or on the extended area and no part of the extended area shall obstruct direct egress from any fire exits to the public road.

Should use of the extended area result in reports of anti-social behaviour, the Council reserves the right to suspend use of the extended area. In such cases, the Council will give written notice explaining the reasons for suspension and the duration of the suspension. The applicant will be required to clear the area of all tables, chairs and other items associated with the extended area. The Council shall be the sole judge of what constitutes anti-social behaviour.

You must advise the Council of any change in the ownership, directorship or partnership of the business occupying the premises at (address of premises); any change in name of the business or of the sale of the premises at any time. If any of these events take place, this agreement will terminate and a fresh application for a new agreement (if requested) must be submitted to the Council. It shall be your responsibility to advise the new owner of this.

Siting of markets will be considered on footways, carriageways and other areas where there is public access. The area to be occupied by the street market must be clearly defined at the time of application and this area must not be exceeded at any time except with the prior written consent of the Council. The minimum width of unobstructed space between the carriageway and the market must be maintained at no less than 1.8m. On streets with high pedestrian usage, and in pedestrianised areas, the minimum width will be greater. Each application will be judged on its merits and the unobstructed space will be set according to the street type and frequency of pedestrian usage.

Stalls, merchandise and associated structures must be placed so as not to obstruct access to existing premises.

All stalls and associated structures must include a low level kick board or similar which can be detected by the visually impaired using a stick and merchandise must not be placed in a manner that would cause a hazard or obstruction to the disabled or visually impaired. All stalls, merchandise and associated structures must be removed from the area promptly after trading hours.

The area of the occupied road shall at all times remain part of the public road and accessible to members of the public, utilities and representatives of the Council. It is a condition of consent that applicants agree to the removal, at short notice, of all tables, chairs, stalls and associated structures at any time that they are requested to so do by the Council, any Statutory Undertaker or by the emergency services. Applicants should also note that consent may be suspended by the Council at any time to allow for street works or for any other competent reason. If consent is suspended for a continuous period of greater than 4 weeks then a refund of fees may be considered.

No billboards, A-Boards, illuminated signs or lights or other items of furniture or equipment will be located in such a manner as to distract or confuse drivers or pedestrians at any adjacent roadway or road junction or pedestrian crossing. The Council shall be the sole judge of what will distract or confuse drivers or pedestrians.

Applicants will be required to provide proof of indemnification against all claims, injuries or accidents with cover up to £5 million for any one event prior to placement of any furniture or associated structures on the Road and this proof should also be provided with any application to renew a permission.

A copy of this agreement must be retained and produced for inspection if required.