



# Comhairle Contae Chorcaí

## Cork County Council

### License Policy for Mobile Coffee Unit at Mallow Castle

Effective from: 1<sup>st</sup> April 2023  
Contact Officer: Municipal District Officer, Kanturk Mallow Municipal District  
Next review date: 1<sup>st</sup> April 2024

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#### OBJECTIVES

The objectives of this policy are to outline /define a level of uses/activities which:

- Provide for licensed mobile coffee unit at Mallow Castle Grounds for a minimum of Thursday, Friday, Saturday, Sunday and Bank Holidays and MUST cover the hours 11am-5pm.

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| Key Focus Area | Mallow Castle |
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#### POLICY STATEMENT

All applications for the provision of a mobile coffee unit Mallow Castle park, will be determined in accordance with the criteria outlined below.

#### SCOPE

This policy will apply to all applications by individuals or businesses seeking permission to sell refreshments from mobile vending units in Mallow Castle Park and will permit the issuing of an annual licence in accordance with criteria set out below.

#### DEFINITIONS

**Right of Use:** refers to areas where there are existing agreements / leases in place between Cork County Council and other parties.

**Bank Holidays:** For this policy the following are the Bank Holiday which service must be provided:

- First Monday in February, or 1 February if the date falls on a Friday
- Saint Patrick's Day (17 March)
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October

**Operation Days and Times:** The mobile unit must be available to the public Thursday, Friday, Saturday and Sunday between the hours of 11 am – 5 pm. It must also operate on the Banks Holidays listed above. Additional days and hours of opening can be utilised by operator in line with the opening hours of the Castle Grounds. Any additional days and hours must have prior notification to Cork County Council.

## RELATED POLICIES / LEGISLATION

- Local Government Act 2001
- Control of Dogs Act 1986 as amended by Control of Dogs (Amendment) Act 1992
- Criminal Justice (Public Order) Act 1994 as amended by the Criminal Justice (Public Order) Act 2011
- Casual Trading Act 1995
- Cork County Council Bye-Laws for the Prohibition of the Consumption of Intoxicating Liquor in Streets and Public Places within the County of Cork
- The Litter Pollution Act 1997
- The Safety, Health & Welfare at Work Act 2005
- Cork County Council Bye-laws for Playgrounds, Multi-Use Play Areas, Skate Parks, & Outdoor Gyms 2014

## RESPONSIBILITIES

Compliance with the provisions of this policy, and any attached guidelines/templates, is mandatory.

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| <b>Sponsor</b> | Director, Municipal District Operations & Rural Development |
| <b>Owner</b>   | Cork County Council   |

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| <b>Policy Implementation</b> | Municipal District Officer, Kanturk Mallow Municipal District. |
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## **SUPPORTING DOCUMENTATION**

Submission of the following documentation is required in advance of any assessment of eligibility for park use.

- Public Liability Insurance with Specific Indemnity to Cork County Council
- Employers Liability Insurance if applicable
- Tax Clearance
- Registered with HSE
- Photograph of the unit to be used
- Waste Management Plan, outlining procedure for receptacle waste segregated system (general/recyclable/food waste).
- 2 passport photographs of the Licence Holder

## **ATTACHMENT A – ASSESSMENT CRITERIA**

### **Applications may only be approved if:**

1. The proposed use is unlikely to cause damage to the park, walkway or open space in question and is consistent with the objectives of Cork County Council's Recreation and Amenity Policy 2006.
2. The proposed use is unlikely to adversely affect the health and safety of any users of the park, walkway or open space in question.

### **Applications will not be approved if:**

1. An adverse impact on surrounding residential amenity is likely to result.
2. The nominated park has insufficient facilities (e.g. car parking) to support the proposed activity and it cannot be demonstrated that satisfactory alternative arrangements can be provided.
3. The activity has an adverse impact on the reputation of Cork County Council. (For the activity not to adversely impact on the reputation of Cork County Council, activities and any associated infrastructure are required to be presented and set out in a smart and tidy manner.)

## Provisos

- i. All costs including damages, repairs, removal, and cleaning of the approved area as a result of the event, howsoever caused, shall be paid by the applicant unless the area is repaired and/or cleaned to the satisfaction of the Municipal District Officer.
- ii. Council takes no responsibility for any Personal Injury or damage to property caused by the activity / event and requires that the applicant should hold Public Liability Insurance for at least €6.5million containing a specific indemnity to Cork County Council.
- iii. Cork county council reserves the right to host any other event in Mallow Castle Grounds, which may involve other traders/food vendors operating during the event. The licensee may operate in tandem for their designated space however will have **no rights** to object to such events/traders.
- iv. The park will remain a public park with no person to be denied access (with the exception or circumstances specifically approved by Cork County Council).
- v. All refuse generated as a result of an activity will be cleaned up and properly disposed of by the event organiser to the satisfaction of the Municipal District Officer.
- vi. All refuse generated as a result of any licences issued under paragraphs xi below will be cleaned up and properly disposed of by the licence holder to the satisfaction of the Municipal District Officer.
- vii. The licensee have a legal responsibility to ensure the Health, Safety and Welfare of any employees and volunteer helpers.
- viii. The issuing of a licence under this policy shall not interfere with any existing licences issued under Casual Trading Bye Laws in force in the Municipal District.
- ix. A specific annual licence may issue in respect of facilitating a mobile coffee stall located within Mallow Castle. The licence will cover the period from 1 April to 31 March and will permit trading 7 days per week. A fee of €600 per annum shall apply in respect of this licence. While trading is permitted 7days per week the unit must be onsite and available to the public on Thursday, Friday, Saturday and Sunday, along with Bank Holidays during the hours of 11 am - 5 pm.
- x. In the event that the number of applications for licences to be issued under paragraphs xi exceeds the number of licences available, the allocation of any such licence shall be decided by the drawing of lots from the number of all valid applications. In any such case, the first application drawn shall be offered the licence.

- xi. In the event that the holder of a licence issued under paragraphs xi, surrenders that licence before the expiry date, the Council may issue a licence to cover the remaining period of the original licence. A pro-rata fee shall apply in respect of any such licence. Allocation of any such licence shall be decided in the same manner as outlined in paragraph xiii.
- xii. In applying for a licence under paragraphs xi above, an applicant shall satisfy the Council that they hold sufficient public liability insurance, employers liability if applicable €13.5 million, with an indemnity to Cork County Council €6.5 million; that they hold a current valid tax clearance certificate and that their business, and any premises associated with the operation of the mobile coffee stall have been registered with the HSE

**Non-compliance with any of the provisos above or with any subsequent conditions of use will result in immediate cancellation of the event and may result in automatic disqualification from future use of parks, walkways and open spaces.**

### **Contact Details – Cork County Council**

- Application forms should be completed in full and submitted with any supporting documentation at least 6 weeks in advance of the proposed date of the event / commencement of activity.

Municipal District Officer,  
Kanturk Mallow Municipal District,  
Annabella,  
Mallow,  
Co Cork.