

STREET FURNITURE LICENCE

Operations Department, Grove Road, Blanchardstown, Dublin15. D15 W638

Standard Licence Conditions

Section 254 Planning and Development Act 2000 (as amended)

Article 201 Planning and Development Regulations 2001 (as amended)

General Conditions

1. The granting of this licence refers only to the placing and/or maintenance of:-
 - a. tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises, and/or
 - b. awnings, coverings, canopies, parasols, shades, windbreakers, heaters or other similar structure for the purpose of facilitating outdoor dining where tables and chairs are being provided under (a) above

on, under, over or along a public road (which, for the avoidance of doubt includes a public footpath and any parklet area on such public road). The particular numbers of such tables and chairs, and/or awnings, coverings, canopies, parasols, shades, windbreakers, heaters or other similar structures which are permitted by this licence are outlined on the face of the licence and are referred to as **"Street Furniture"**.
2. The licensee is responsible for the management and supervision of the area of public road on, under, over or along which any items of Street Furniture may be placed and this is set out on the face of the licence and is referred to as the **"Licensed Area"**. This licence does not permit any advertising or the storage and display of goods at this location.
3. The licensee is required to comply with all national and local legislation including Intoxicating Liquor legislation and Health & Safety legislation (including fire safety legislation), as well as all prevailing public health guidance as may be in place for the duration of the period of the licence.

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4. The total number of patrons within the Licensed Area shall not cause the area to be overcrowded (prevailing Covid-19 restrictions or other public health guidance requirements to be adhered to when in force).
5. The maximum number of persons, and items of Street Furniture as well as the maximum dimensions and total area of required street space in square metres is specified in the licence.
6. The Licensed Area shall be enclosed by way of screens or by other materials, the design of which, including the material proposed to be used, must be approved by Fingal County Council.
7. No item of Street Furniture shall be placed outside, or be permitted to migrate outside, the Licensed Area.
8. A copy of the licence shall be prominently displayed at the main entrance to the premises, to be clearly visible by members of the public, officials of Fingal County Council and/or members of An Garda Síochána. A copy of these Specific Conditions and General Conditions must also be available for inspection. The licence will be deemed invalid if on inspection items are found in the licensed area for which a licence has not been granted.
9. The granting of a licence does not automatically guarantee its renewal in subsequent periods.
10. If the licensee intends to continue to place or maintain any items of Street Furniture after the expiration of the licence, then the licensee is required to make a new licence application 4 weeks prior to the expiration of its existing licence.
11. The licence is personal to the licensee, and the licensee shall not assign, sub-let or in any way part with any portion of the Licensed Area.
12. A change in use of the licensed area will require the submission of a new licence application.
13. The granting of a licence for Street Furniture shall not be taken as authorisation to proceed with building or other operations in respect of which the permission of Fingal County Council and/or another statutory body may be necessary under any

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other

legislation.

14. The licensee shall maintain the Licensed Area in an acceptable condition so as not to constitute a nuisance. He/she shall indemnify Fingal County 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 the said Street Furniture in the Licensed Area.
15. The licensee is responsible/liable for any slips, trips, falls etc arising from the service or consumption of food or which are in any way connected to, or arise from, outdoor dining.
16. The licensee shall be required to submit for inspection to Fingal County Council, and to continue to maintain a Public Liability Insurance policy for the duration of the period of the licence, which provides cover to a minimum value of €6.5 million indemnifying Fingal County Council against third party claims. Fingal County Council reserves the right to review this limit of indemnity for adequacy.
17. Any item of Street Furniture and/or any other items in the Licensed Area shall be removed immediately if requested by Fingal County Council or a member of An Garda Síochána.
18. Equally, Fingal County Council reserves the right to cancel, 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 Fingal County Council for suspending, cancelling or varying the terms of the licence.
19. 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 Fingal County Council or any statutory undertaker.
20. All costs incurred by Fingal County Council or its agents, including any repairs to the public road and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee. Only Fingal County Council shall carry out work on the public road/footpath. The licensee shall enter into an agreement with Fingal County Council to pay for any repairs to the footpath or public roadway arising from the licence.

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21. Holes may not be made in the public road/footpath without the permission of Fingal County Council.
22. A clear and direct entry between the public road/footpath and the entrance to the premises shall be maintained at all times.
23. The public road/footpath clearance as specified in the licence must be maintained to the front of the Licensed Area at all times. 'Footpath clearance' is defined as the distance between the front edge of the Licensed Area and the edge of the footpath or the inside edge of any Street Furniture elements, bollards, columns etc., wherever such exist.
24. The items of Street Furniture shall not obstruct visibility at junctions, accesses, fire exits and fire hydrants etc.
25. The items of Street Furniture shall not obstruct (i) access for fire appliances, fire brigades or other emergency service personnel or vehicles, or (ii) escape from the premises or adjacent premises.
26. No musical apparatus shall be used within the Licensed Area, no music etc. shall be played or broadcast within the Licensed Area.
27. Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.
28. The Licensed Area shall not enclose any public lighting columns or apparatus or use public lighting equipment for unauthorised supports or attachments.
29. The siting of temporary structures in the vicinity shall be such as not to increase the hazard level of public lighting equipment beyond that normally experienced in the street environment.
30. Removal of public lighting equipment in the vicinity of proposed temporary structures will only be considered in exceptional cases. In these circumstances, the full cost of removal and relocation will be borne by the licence applicant.
31. All water main covers, sewer manholes, public lighting & associated equipment and service access points for utilities, telecommunications services and fire

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hydrants shall be accessible at all times.

32. No item of Street Furniture shall be positioned over or obstructing a fire hydrant.
33. All tables, chairs and other items of Street Furniture shall be of robust and stable construction so as to prevent movement in adverse weather conditions.
34. The items of Street Furniture shall not be placed in such a way as to present a hazard to patrons, staff or passing pedestrians.
35. All furnishings and fittings in the Licensed Area (including items of Street Furniture), are to comply with the Department of the Environment 'Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly' (or any updated or replacement version as may be in place during the duration of the licence), and are to be non-combustible or constructed of material of limited combustibility.
36. If intoxicating liquor is being served in the Licensed Area, the licensee must also comply with the requirements of the Licensing Acts 1833 - 2018 (as well as any other legislation pertaining to the sale of intoxicating liquor that may be in force during the period of the licence) (the "**Acts**"). The attention of the Licensee is also drawn to the Fingal County Council (Prohibition of consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2002 (the "**Bye-Laws**"), which prohibit the consumption of intoxicating liquor in public places. **The licensee must also prohibit its customers from taking the alcohol from the licensed area for consumption in the public realm adjacent to the Licensed Area.** Failure to comply with the provisions of the Acts & Bye-Laws may result in the withdrawal of the Licence.
37. Fingal County Council may reduce the Licensed Area in any particular case, where the occupied space is required in the interests of public safety or to facilitate an event or works during the course of the licence period.
38. Fingal County Council may withdraw by written notice the licence in its entirety if Fingal County Council considers by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the items of Street Furniture are causing an obstruction or have become dangerous.

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39. The licensee shall be required at their own expense to remove all items of Street Furniture from the Licensed Area on written notification from Fingal County Council.
40. Screens as agreed by Fingal County Council are subject to the following conditions;
- a. Screens to be plain, coloured or neutral canvas type, not more than 1 metre high, spanning between or framed by simple metal type posts.
 - b. Screens to be non-combustible or constructed of material of limited combustibility.
 - c. Base plates or weighted bases to screening posts must not extend outside the Licensed Area.
 - d. All screens, posts and bases must be demountable.
 - e. Screens must be sufficiently robust to prevent overturning in adverse weather conditions.
 - f. No advertising apart from the name of the premises to be used on the screens, without the permission of Fingal County Council.
 - g. Screens must not at any time be used for the advertising of intoxicating liquor.
41. No advertising apart from the name of the premises to be used on any of the items of Street Furniture without the permission of Fingal County Council.
42. Colour, type and size of logos, lettering and names applied to the screens, ancillary equipment etc, must be approved in advance by Fingal County Council.
43. The use of heaters is subject to the following conditions:
- a. No heaters are to be used without written approval from the Chief Fire Officer.
 - b. No heaters to be used without approval under the Licence.
 - c. All heaters should comply with relevant Irish Standards, have a CE Mark and must be installed by a competent installer, and the installation should be certified (if required by the Standard), be maintained and used strictly in accordance with the manufacturer's requirements.
 - d. Heaters shall be:
 - o Permanently piped gas heating in compliance with I.S. 820:2019
 - o Electric Heating (achieving a minimum IP Rating of IP55)

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- Infra-red Heating (achieving a minimum IP Rating of IP55)
 - e. The use of portable LPG heaters is not permitted.
 - f. Heaters and seating must be located so as not to obstruct escape routes.
 - g. Heaters should not be located close to or directly in contact with any umbrella, awning, canopy, covering, parasol, shade, windbreaker or other similar structure.
 - h. Heaters should not be located close to or directly in contact with outdoor planting schemes. If planting is provided, regular watering is to take place to ensure heaters do not act as an ignition source for vegetation.
44. Street Furniture may only be placed on the public road between the times specified on the licence and must be removed by the licensee outside these hours, except in cases where written permission has been obtained from Fingal County Council, and in any event not later than 10.00p.m daily.
45. All of the premises (including the outdoor seating areas), are to be managed in accordance with the Code of Practice for Fire Safety in Places of Assembly & Recreation (as amended or replaced from time to time).
46. The exits from the premises are to be kept clear and available for use at all material times.
47. Licensees are responsible for the litter management and cleanliness of the Licensed Area and surrounding area. The licensee is required to make provision for the gathering of litter. At the commencement and cessation of usage each day, the Licensed Area and the surrounding area shall be washed and swept by the licensee.