

Dún Laoghaire-Rathdown County Council Covid 19 response for businesses seeking to use Public Spaces

In order to help businesses function within the Covid-19 restrictions, the Council appreciates that some businesses may require space outside their premises either for waiting areas, customer queuing, outdoor dining or some other form of outdoor use and that as a result there is a need to reimagine the streetscape.

The Council is open to considering any requests from businesses, where the existing space is adequate or where additional space can be provided, subject to the suitability of the location.

Of necessity, these requests will be considered on a street by street basis so that everyone can safely enjoy our towns/villages/streets as restrictions are gradually eased.

Public and Pedestrian safety will be key criteria in assessing any applications for street furniture licences.

In addition, Businesses will need to demonstrate that they have public liability insurance to cover the use of street furniture on public space and footpaths.

Please note that the provision for licensing of areas suitable for Street furniture in DLR administrative area is regulated under Section 254 of the Planning and Development Act 2000, as amended. A valid street furniture licence is a requirement under the Planning Acts to place tables and chairs or any item on the public road. It is an offence under the Planning and Development Acts to place items without a valid licence. The Council will treat any attempt to close off an area as a trespass on public property.

Please also note that, for the avoidance of any doubt, the licensing of areas suitable for street furniture are by way of a yearly licence that is not automatically renewable, that does not transfer any proprietary interest in the property under licence by the Council and does not create any tenancy rights in the area under licence by the Council.

No fee applies to applicants for a yearly licence

For all requests relating to new outdoor seating, please email this form to info@dlrcoco.ie or phone 205 4700 to log a query. **Please provide an email address to which a response to your query can be sent.**

This Dept is currently receiving a large volume of correspondence so replies may take several days.

Application Form – Street Furniture Licence 2022



What legislation deals with these licenses?

We issue these licences as directed by the:

- Roads Act 1993 – Section 71
- Section 254, Planning and Development Act, 2000; and
- Part 17, articles 200 - 204, Planning and Development Regulations, 2001, as amended.
- Planning and Development (Amendment) (No. 2) Regulations 2021 (S.I. 210 of 2021)

Granting of a license does not remove your responsibilities under any other relevant legislation.

Licenses are granted for a designated period with a maximum allowable to 31st December of the relevant year.

How do I apply for this licence?

Please fill in this form using block capitals and send it together with your insurance details to: Traffic Section, Municipal Services Department, Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co. Dublin or email it to info@dlrcoco.ie.

A Council representative will examine the location and make an initial assessment as to its suitability for street furniture. The applicant will then be informed if the location is considered suitable.

If an application is approved, details of current Public Liability Insurance (see Sections 11 and 12 below) must be provided before a licence can be issued.

1. I wish to apply for (please tick one):

Please tick one.

New licence

Renewal licence

(With material changes)

2. Name of Premises and address at which the licence is being applied for:

Name:

Address:

Email:

Business Phone: _____ Mobile: _____

3. Name and address of REGISTERED OWNER/COMPANY of Premises that the licence is being applied for:

Name:

Address:

Email:

Business Phone: _____ Mobile: _____

4. Name and address to which notifications should be sent:

Name:

Address:

Email:

Business Phone: _____ Mobile: _____

5. Description and location of proposed area where furniture and ancillary equipment will be stored outside of the operating hours of this licence. (It is not permitted to store tables and chairs in a public area or where they may impede an emergency exit).

6. What item(s) do you propose to place on the public footpath or on public space?

Item	Number	Item	Number
Tables		***Umbrellas, canopies (freestanding)	
		***Awnings, canopies (attached to building or other permanent structure)	
Chairs		Heaters (electric). The use of portable LPG heaters is not permitted.	
*Screens/windbreaks		Barriers (e.g. for queue control)	
Plant stand****		**Advertising sign/"sandwich board"	
		Other – describe below	

Item	Number

* Please see Specific Guidelines for use of Screens/windbreaks on page 5.

** Please see Specific Guidelines for use of Advertising Boards on page 6.

*** Please see Specific Guidelines for umbrellas, awnings etc. on page 6.

**** Please see Specific Guidelines for use of planters/plant pots on page 5.

7. In the case of Tables & Chairs, how much space on the pavement or on public space do you propose to use?

Length (metres) _____ Width (metres) _____ Total Area m² _____

8. What is the exact location you are interested in using (please include a map or drawing. A hand-drawn sketch is acceptable.)

9: What time is your business open?

From _____ to _____

From _____ to _____

10: During what time of day do you propose to place items on the public footpath or on public space?

Street Furniture must be removed and stored away from the public footpath or public space at close of business every day or by **11pm**, whichever is the earlier.

From _____ to _____

11. As a result of Brexit, any insurance policies which are written or renewed on or after 01 January 2021 with a UK domiciled Insurer will not be permitted in the Republic of Ireland.

Your insurer must be included in the Central Bank of Ireland's *Register of Life and Non Life Insurance Undertakings*. (Check here: <http://registers.centralbank.ie/DownloadsPage.aspx>)

Public Liability Insurance Details (see General Licence Conditions, below):

**Name of Insurance Company
(not the broker):**

Policy Number: _____

Expiry date: _____

Public Liability Cover: €_____

12. Insurance Documents to accompany this application:

- **Copy of insurance policy (including indemnity)**

You **must** indemnify Dún Laoghaire-Rathdown County Council against all actions, suits, claims or demands by anyone who is injured or suffers damage to themselves or their property due to tables, chairs, advertising signs/"sandwich boards" or other items on the footpath or on public space (see 'Insurance and Claims' heading under 'General Licence Conditions' below for more information).

Your insurance company or broker can provide information as to this procedure.

STREET FURNITURE LICENCE - GENERAL LICENCE CONDITIONS

Any structure (including tables and chairs) on the public footpath or on public space must have a valid licence issued under the above legislation. Any structure placed on the public footpath or on public space without a valid licence or placed on the public footpath or public space outside of a licensed area, will be removed and disposed of by the Council.

Business premises are not entitled to place tables, chairs or other items on the public footpath or on public space until a licence is granted.

Specific Guidelines

1. A minimum footpath width of 1.5 metres must be maintained.
2. Cabling, power supply to electrical equipment, piping to gas braziers and the like must be installed in such a way that it does not constitute a hazard.
3. The licensed structure(s) must not obstruct visibility at junctions or places of public access for services.
4. You must keep the area you use for tables, chairs or other items clean and in a way that they are not a public nuisance.
5. All patrons within the licensed area must be seated. Consumption of intoxicating liquor is expressly confined to seated patrons within the licensed area.
6. Street Furniture must be removed and stored away from the public footpath or public space at close of business every day or by **11pm**, whichever is the earlier.
7. The area licensed should not be sublet to any other party.

Specific Guidelines for the use of umbrellas, awnings, canopies, coverings and similar

- a. Materials/textile to be manufactured from flame/fire retardant material; see under 'Fire Safety – textiles' below
- b. Base plates or weighted bases to posts must not extend outside the licensed area.
- c. All items must be sufficiently robust to prevent overturning or dislodging in adverse wind conditions.
- d. No advertising apart from the name of the premises to be used on any item, without the permission of Dún Laoghaire-Rathdown County Council.
- e. The extent and layout of umbrellas, awnings, canopies etc. to be agreed with the Traffic Section, Municipal Services Department, Dún Laoghaire-Rathdown County Council.
- f. Screens or parasols /umbrellas must not be fixed or attached to the footpath or roadway.
- g. All furniture must be removed during closing hours. Awnings that are not fixed to the building must be secured during closing hours.

Specific Guidelines for the use of screens/windbreaks

- i. Screens to be plain, coloured or neutral canvas type, not more than 1 metre high, spanning between or framed by simple metal type posts, paint finished to "RAL 7043 "Traffic Grey B".
- ii. Screens to be manufactured from flame/fire retardant material.
- iii. Base plates or weighted bases to screening posts must not extend outside the licensed area.
- iv. All screens, posts and bases must be demountable.
- v. Screens must be sufficiently robust to prevent overturning in adverse wind conditions.
- vi. No advertising apart from the name of the premises to be used on the screens, without the permission of Dún Laoghaire-Rathdown County Council.
- vii. Screens may not extend beyond the designated space shown on the drawing

Specific Guidelines for the use of planters, plant pots etc.

1. Planters and plant pots should be maintained, kept tidy and free of weeds. Planting should be of native species to encourage biodiversity.
2. Planters and plant pots should be placed so as not to create a trip hazard or risk to people with mobility issues

3. All planters provided by Dún Laoghaire-Rathdown County Council must be maintained by the licensee including regular watering, weeding and cleaning.
4. Licensee is responsible for replacing any failing plants in Council-provided planters with similar native pollinator-friendly species.

Fire Safety - textiles (umbrellas, screens/windbreaks etc.), and tables and chairs

Umbrella Specifications

- Umbrellas shall be of robust, sturdy construction. The central post, arms and frame should be of stainless steel, powder-coated metal or aluminum construction.
- The fabric covering of umbrellas shall comply with **BS 7837:1996** Flammability Performance for textiles used in the construction of marquees and similar texture structures, or equivalent.
- Class 0 (in accordance with **BS 476: Surface Spread of Flame Tests for Materials, Parts 6 and 7**) umbrellas are also acceptable.
- High Level windbreakers/screens shall be manufactured from flame/fire-retardant materials and have a classification of the surface spread of flame of Class 0 in accordance with BS 476: Parts 6 and 7, or equivalent.
- There should be a suitable gap (of at least 500mm) between the top of the screen and the lowest point of the umbrella.

Tables and Chairs Specifications

- Tables and chairs should be in accordance with the guidance provided in “**Code of Practice for Fire Safety of Furniture and Fittings in Places of Assembly (1989)**” updated December 2020. See <https://www.gov.ie/en/publication/a546a-code-of-practice-for-fire-safety-of-furnishings-and-fittings-in-places-of-assembly-1989/>

Specific Guidelines for the use of advertising boards

1. Only **one** sign (advertising structure) per business establishment can be displayed.
2. A minimum footpath clearance width of **1.5 metres** for pedestrians must be maintained when placing the sign in the public realm.
3. The sign should only be displayed during the business’s operating hours -up to **11pm** at the latest and after **9.30am** (in order to facilitate street cleaning).
4. The sign should be suitably positioned so as not to create a risk to public safety.
5. The sign should **not be higher than 1 metre** nor **wider than 70 centimetres**.
6. Lights, banners, flags or similar objects should not be placed on the sign.
7. Due to the likely obstruction quality of an advertising sign and “sandwich board” it may only be placed in the licensed area.
8. A Street Furniture licence allows you to place either tables and chairs or an advertising sign/sandwich board at any one time, not both together.

INSURANCE AND CLAIMS:

Indemnity

The applicant must indemnify Dún Laoghaire-Rathdown County Council against all actions, suits, claims or demands by anyone who is injured or suffers damage to themselves or their property due to tables, chairs, advertising signs/”sandwich boards” or other items on the footpath or on public space.

Sample Text for Indemnity:

“Dún Laoghaire-Rathdown County Council is hereby indemnified under the terms and conditions of the above policy in respect of all claims, proceedings and/or expenses of whatever nature arising in connection with the activities covered by this application.”

The applicant must have Public Liability insurance cover for limits of not less than €2.5 million. Furthermore, the applicant shall ensure and provide evidence that these insurances contain a specific indemnity to Dún Laoghaire-Rathdown County Council. **The Council must be named.**

Insurance details (copies) must accompany any licence application and must be on the original headed paper of either the Insurance Company or the Broker.

Insurers **must** be included on the Central Bank of Ireland's *Register of Life and Non-Life Insurance Undertakings*. (Check here: <http://registers.centralbank.ie/DownloadsPage.aspx>)

The applicant must submit to Dún Laoghaire-Rathdown County Council for inspection, in the format outlined below, evidence of these insurances, before a licence will be issued.

The following insurance details are required:

- a) Name of Insurance Company
- b) Policy Number(s), Commencement and Expiry Dates
- c) Name of Policyholder: - (must be the same name as the licence applicant)
- d) The Insured Business Description: – (The Insured Business must be in accordance with the activities being undertaken by the licence applicant)
- e) Level of Public Liability - €2.5m
- f) Specific Indemnity to Dún Laoghaire-Rathdown County Council. **See above for sample text.**

The licensee is required to maintain a valid policy and indemnity to Dún Laoghaire-Rathdown County Council for the duration of the licence period.

Dún Laoghaire-Rathdown County Council can cancel, suspend or vary the terms of the licence at any time and the applicant cannot take any claim for damages or loss of income under any heading against the Council for doing so. Dún Laoghaire-Rathdown County Council will not entertain any claim for compensation in relation to damages or losses suffered due directly or indirectly to maintenance carried out by any statutory body including Dún Laoghaire-Rathdown County Council.

Responsibilities of the Licensee

- A copy of the licence must be displayed at the main entrance to the premises so as to be clearly visible to members of the public and officials of Dún Laoghaire-Rathdown County Council.
- The licensee shall not sublet the licensed area.
- No musical apparatus may be used within the licensed area and no music may be played or broadcast within the licensed area.
- The licensee must always maintain the direct entry between the public footpath and your premises.
- The licensee must not use side or front awnings to cover the licensed area.
- The tables, chairs, or any structure (including an umbrella, screen or plant stand) must be robust and stable so that they cannot be moved easily – by wind for example.
- The licensee must service the area all the time it is in use and provide ways to gather litter. You must wash and sweep the area at the beginning and end of each day's use.
- The licensee must comply with other relevant legislation in relation to your premises, including legislation enforced by us and by An Garda Síochána.

Service access points

The licensee must allow access to Dún Laoghaire-Rathdown County Council and utility companies at all times to maintain:

- watermain covers;

- sewer manholes;
- service access points;
- fire hydrants; and
- public lighting.

Fire safety, heating appliances etc.

Extreme caution should always be displayed using any heaters, braziers, barbeques or any other item likely to generate heat and be a fire risk. All staff should be aware and make sure that the above equipment is never used near umbrellas (even when in the down position). Violation of this will result in the licence being revoked.

Where outdoor seating is provided, the following types of outdoor heating are permitted

- Permanently piped gas heating in compliance with I.S. 820:2019.
- Electric Heating (achieving a minimum IP Rating of IP55).
- Infra-red Heating (achieving a minimum IP Rating of IP55).

The use of portable LPG heaters is not permitted.

- Heating appliances and seating must be located so as not to obstruct escape routes.
- All outdoor heaters should comply with the relevant Irish Standards, should be installed by a competent person, and the installation should be certified, where required by the standard.

It is the responsibility of the owner/occupier of the premises to ensure they comply with these requirements.

Breach of licence

The information supplied in the application form, including the times proposed to place street furniture on the public footpath or on public space, will be used to help make the decision on issuing a licence or on setting any conditions. Any use of the licensed area that does not correspond to the information supplied in this application form may be considered a breach of the licence.

Licence Renewal

Licences are issued for the calendar year up to 31st December. The granting of a licence does not mean it will automatically be renewed the following year.

Revoking of a Licence

It is a condition of the issue of any licence that the applicant accepts that the Council can revoke the licence on giving one month's notice, if it deems it to be in the interests of road safety, in order to facilitate work in/near the area covered by the licence, or at its own discretion.

Licence Fee

No fee applies to applicants for a yearly licence

Please sign and date this form overleaf/below. Unsigned forms cannot be accepted.

Privacy Notice

Your information is collected to process requests for service to license street furniture in the Dún Laoghaire Rathdown administrative area. The legal basis is provided for under Section 13 of the Roads Act 1993, Sections 101D of the Road Traffic Act, 1991, as inserted by Section 9 of the Dublin Transportation Authority (Dissolution) Act 1987 and S.I. No. 139/2015 – Road Traffic (Co-ordination of Roadworks) Regulations 2015, Section 254 of the Planning and Development Act 2000 and Article 201 of the Planning and Development Regulations 2001. Information collected by us is generally limited to contact details provided in respect of requests made for road maintenance and licensing measures.

The information may be shared internally with:

- » Other sections within the Municipal Services Department– whose assistance is necessary to process work associated with your request;
- » Dún Laoghaire Rathdown County Council Local Area Offices - in respect of road maintenance related requests made on your behalf;
- » Other departments - all road maintenance and licensing queries forwarded to relevant section/department or contractors working on our behalf for processing.

Your information may be retained electronically for up to 20 years as part of the record of road management measures requested throughout Dún Laoghaire Rathdown County Council's administrative area.

For more information:

Street Furniture Applications, Traffic & Road Safety Section, Municipal Services Department, Dún Laoghaire Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co. Dublin A96 K6C9

Office opening hours: 09.00 to 17.00 Monday-Friday.

Tel: 01 205 4700. Email: info@dlrcoco.ie. In all cases, please provide an email address for a response.

I confirm that all the above information is correct. I accept that if Dún Laoghaire-Rathdown County Council grants me a licence, I must still obey the law as outlined in any other legislation.

I will obey the conditions specified for this licence, including the items outlined in the attached 'General Licence Conditions' and any other conditions the Licensing Authority outlines.

Signature of applicant (or person applying for them)

Date_____

Print name (block letters)

An Rannóg Seirbhísí Bardasacha Municipal Services Department