

## Dun Laoghaire Rathdown County Council Covid 19 response for businesses

### Outdoor Areas

The Council understands that there is a need to re-imagine the streetscape in order to facilitate businesses, such as cafés, to re-open, provide tables and chairs etc, or to accommodate retailers where queuing occurs outside their shops so that everyone can safely enjoy the towns/villages/streets as restrictions are gradually reduced.

In order to help businesses function within the Covid-19 restrictions, businesses may require space outside their premises either for waiting areas or some form of outdoor use. The Council is open to considering these requests where the existing space is adequate or where additional space can be provided, subject to the suitability of the location. Of necessity, these will be considered on a street by street basis as requests are made.

In considering any application Public and Pedestrian safety will be key criteria in assessing applications.

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

***No fee applies to applicants for street furniture until 31<sup>st</sup> December 2020.***

***An extended 6- month licence will be issued to existing licence holders.***

***The Council will review licence fees after this date.***

For all requests relating to new outdoor seating, please email this form to [info@dlrcoco.ie](mailto:info@dlrcoco.ie)

For further information please contact Margaret Coles at 086-8034921

# Application Form – Street Furniture Licence 2020



## What legislation deals with these licences?

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.

Granting of a licence does not remove your responsibilities under any other relevant legislation. Licences are granted on an annual basis for one calendar year, from 1<sup>st</sup> January to 31<sup>st</sup> December of that 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](mailto:info@dlrcoco.ie).

**A dlr 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 your application is approved, you will be asked to provide details of current Employer's and Public Liability Insurance (see Insurance, below) before we can issue your licence.**

## Insurance - 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.

If you have any questions or if we could be of any help in filling in this application, please contact Margaret Coles at 086-8034921

### 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:

**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	
Chairs		Gas braziers	
*Screens/windbreaks		Advertising sign/"sandwich board"	
Plant stand			
		<b>Other – describe below</b>	

Item	Number

*\* Please see Guidelines for use of Screens/windbreaks on page 7 below.*

**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 m<sup>2</sup> \_\_\_\_\_

**There are strict conditions under which heaters, braziers, etc. can be used and all staff must adhere to them, see below under the 'Fire Safety' section.**

**Each application will be assessed by the Area Traffic Engineer, taking account of the requirement for such items and suitability of the location, having consideration for the safety of pedestrians and other road users. For this reason, we ask the applicant to list ALL items that they wish to place on the public footpath or on public space.**

**8. What is the exact location you are interested in using (please include a map or drawing)**

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**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. Public Liability Insurance Details (see General Licence Conditions):**

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

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**Policy Number:** \_\_\_\_\_

**Expiry date:** \_\_\_\_\_

**Public Liability Cover: €** \_\_\_\_\_

**12. Insurance Documents to accompany this application:**

- Copy of insurance policy (including indemnity)

## **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. Due to the likely obstruction quality of advertising signs and “sandwich boards” they may only be placed in the licensed area. 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.
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 use of overhead canopies and/or screens fixed or hinged to the premises is not authorised under this licence. Planning Permission must be sought separately for such items.

### **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.

### **SAMPLE TEXT FOR INDEMNITY:**

**“Dún Laoghaire-Rathdown County Council are 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.”**

### **Insurance and claims**

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

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

### **The following insurance details are required:**

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

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 Licencee**

- 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.

## Guidelines for the use of screens/windbreaks

- 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”.
- Screens to be manufactured from flame/fire retardant material.
- Base plates or weighted bases to screening posts must not extend outside the licensed area.
- All screens, posts and bases must be demountable.
- Screens must be sufficiently robust to prevent overturning in adverse wind conditions.
- No advertising apart from the name of the premises to be used on the screens, without the permission of Dún Laoghaire-Rathdown County Council.
- The extent and layout of screens to be agreed on site with the Traffic Section, Municipal Services Department, Dún Laoghaire-Rathdown County Council.

## 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 31<sup>st</sup> 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 or in order to facilitate work in/near the area covered by the licence.

## Licence Fee

**No fee applies to applicants for street furniture licences until 31<sup>st</sup> of December 2020. The Council will review licence fees after this date.**

***An extended 6-month licence will be issued to existing licence holders.***

## 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 Section, Municipal Services Department, Dún Laoghaire Rathdown County Council, Floor 4, Harbour Square, Crofton Road Dún Laoghaire, Co. Dublin.

Office opening hours: 09.00 to 17.00. Tel: 01 205 4700. Email: [info@dlrcoco.ie](mailto:info@dlrcoco.ie)

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 \_\_\_\_\_

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An Rannóg Seirbhísí Bardasacha Municipal Services Department