

Dún Laoghaire-Rathdown County Council Street Furniture Licence

Licence Application Guidelines for the placing of Tables and Chairs on the public footpath outside a Hotel, Restaurant, Public House or other establishment where food is sold for consumption on the premises.

Dún Laoghaire-Rathdown County Council is charged with the management of the public realm.

A Street Furniture Licence is required to put tables and chairs on the public footpath outside a Hotel, Restaurant, Public House or other establishment where food is sold for consumption on the premises. A licence may only be granted for an area adjacent to the premises, which is under the applicant's control.

Applications for these licences are administered under Dún Laoghaire-Rathdown County Council's conditions on the licensing and management of street furniture in the public realm and additional specific conditions may be applied in respect of a particular licence, if deemed necessary. Non-adherence to conditions of application for a Street Furniture Licence may result in the Street Furniture Licence being revoked under a breach of licence and street furniture removed and disposed of at the business owner's expense.

Street Furniture Licences are issued and regulated under the following legislation:

Section 254 of the Planning and Development act 2000

<https://www.irishstatutebook.ie/eli/2000/act/30/section/254/enacted/en/html#sec254>

Part 17, articles 200 - 204, Planning and Development Regulations, 2001, as amended.

Section 71 of the Roads Act 1993

[*Roads Act, 1993, Section 71 \(irishstatutebook.ie\)*](#)

Planning and Development (Amendment) (No. 2) Regulations 2021 (S.I. 210 of 2021)

[*S.I. No. 210/2021 - Planning and Development \(Amendment\) \(No. 2\) Regulations 2021 \(irishstatutebook.ie\)*](#)

Granting of a licence does not remove the licence holder from responsibilities under any other relevant governing legislation.

Application for Renewal of a Street Furniture Licence

Renewal applications for Street Furniture Licences are subject to and issued under the General Conditions for Street Furniture Licences. In addition, specific conditions may be applied in respect of a particular licence.

Acceptable evidence of Public Liability Insurance cover of €6.5m specifically indemnifying Dún Laoghaire-Rathdown County Council must also be provided on application, and on request during the period of the licence, if required.

NOTE:

All renewal applications must be made on the official application form and must be accompanied by acceptable evidence of Public Liability Insurance cover of €6.5m specifically indemnifying Dún Laoghaire-Rathdown County Council.

Should there be any changes to the street furniture items placed in the existing licenced area, or to the meter sq. area sought under the Street Furniture Licence, a new licence application must be submitted.

Street Furniture Licence Renewal Application – General Conditions for the placing of Tables and Chairs on the public footpath outside a Hotel, Restaurant, Public House or other establishment where food is sold for consumption on the Premises

1. The granting of a Street Furniture Licence refers to the placing of tables and chairs / screens / windbreaks / umbrellas etc. on a public footpath adjacent to the applicant's property. It does not permit any advertising or the storage and display / sale of goods at the location.
2. The total area of street space in square metres shall be as specified in the licence.
3. The location of the street furniture is not to extend beyond the line of the designated area shown on the drawing and granted under the licence.
4. The licensed area for the placing of tables and chairs / umbrellas on the public footpath shall be enclosed by way of screens, the design of which, including material proposed to be used, must be approved by Dún Laoghaire-Rathdown County Council.
5. A copy of the licence must be prominently displayed in the front window 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 licence will be deemed invalid if, on inspection, items are found in the licensed area for which a licence has not been granted and/or the terms of the licence have not been adhered to.
6. The granting of a licence does not automatically guarantee renewal in subsequent years.
7. The licence holder shall not sub-let the licensed area.
8. A change in use of the licensed area, or any variation to the details submitted, will require the submission of a new licence application.
9. The granting of a street furniture licence will be for a maximum period of 12 months. Full charges will apply should it be deemed necessary to grant a licence for a period less than 12 months.
10. The granting of a Street Furniture Licence may not be taken as authorisation to proceed with building or other operations in respect of which the permission of Dún Laoghaire-Rathdown County Council may be necessary under any other legislation.
11. The licence holder shall maintain the licensed area used for tables and chairs / screens / windbreaks / umbrellas etc. or other furniture in an acceptable condition so as not to constitute a public nuisance.
12. The operator is required to provide their own litter bins (to include provision for cigarette litter for licensed premises) and to carry out regular cleaning within and around the outside space and retain a cleaning log for inspection. The recommended cleaning schedule is hourly.

The area should be thoroughly cleaned down, washed and swept at the beginning of each day's use and at the end of trading to remove any spillage, staining or litter, created as a result of the business operation.
13. The licence holder shall specifically indemnify Dún Laoghaire-Rathdown 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 table and chairs or other furniture on the footpath and will be responsible for compliance with public health advice.

14. The licence holder shall be required to submit for inspection to Dún Laoghaire-Rathdown County Council, on application and on request during the term of the licence if required, the relevant Public Liability Insurance Policy. The licence holder will be required to maintain a Public Liability Insurance policy for the period of the licence, which provides cover to a minimum value of €6.5 million specifically indemnifying Dún Laoghaire-Rathdown County Council against third party claims. Should the insurance policy lapse/expire prior to the date of expiration of the licence, a copy of the subsequent insurance policy specifically indemnifying Dún Laoghaire-Rathdown County Council must be submitted to Street Furniture Licencing, Traffic Section.
15. A minimum footpath clearance width of 1.5 metres must be maintained to the front and side of the licenced area outside of any barriers / screens / windbreaks and associated fittings, including units for fixing the barriers/screen/windbreak in place.
16. Cabling, power supply to electrical equipment, must be installed in such a way that it does not constitute a hazard and in accordance with manufacturers' instructions.
17. (a) Furniture and other items shall be removed immediately if requested by an authorised officer of Dún Laoghaire-Rathdown County Council. Equally, Dún Laoghaire-Rathdown County Council reserves the right to cancel, suspend or vary the terms of the Street Furniture Licence at any time. No claim for damages or loss of income under any heading shall be taken against Dún Laoghaire-Rathdown County Council for suspending, cancelling or varying the terms of the licence.

(b) 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 any statutory undertaker, including Dún Laoghaire-Rathdown County Council or its agents.

(c) All costs incurred by Dún Laoghaire-Rathdown County Council, 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 licence holder. Only Dún Laoghaire-Rathdown County Council shall carry out work on the public road/footpath. The licence holder shall enter into an agreement with Dún Laoghaire-Rathdown County Council to pay for any repairs to the footpath or public roadway arising from the licence.

(d) No excavation of the public road/footpath is permitted. No screens or furniture are to be bolted or fixed to the public footpath / roadway. Permanent / semi-permanent structures are not permitted.
18. A clear and direct passage between the public footpath and the entrance / egress to the premises and adjacent premises must be maintained for use at all times.
19. The licensed structure(s), tables and chairs / screens / windbreaks / umbrellas or other items of street furniture etc, must not obstruct visibility at junctions, accesses to services, fire exits and fire hydrants, etc.
20. No musical or broadcasting apparatus shall be used within the licensed area. No music etc. shall be played or broadcast within the licensed area.

21. Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.
22. The licensed area shall not enclose any public lighting columns or apparatus or use public lighting equipment for unauthorised supports or attachments.
23. No removal or relocation of public lighting equipment is permitted.
24. All watermain covers, sewer manholes, service access points for utilities, fire hydrants and public lighting must be accessible at all times.
25. Access to Fire Hydrants is to be maintained at all times. No table or chair or other item of street furniture or associated items shall be positioned over or obstruct a fire hydrant.
26. Dún Laoghaire-Rathdown 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 any works / event during the course of the licence period.
27. The tables, chairs, screens/windbreaks, umbrellas or other furniture or structure must be of robust and stable construction to prevent movement, such as in adverse wind conditions.
28. Screens / windbreaks / etc. as agreed by Dún Laoghaire-Rathdown County Council are subject to the following conditions:
 - Screens are not to be more than 1 metre high, spanning between or framed by simple metal type posts.
 - Screens to be plain, coloured or neutral canvas type.
 - Screens to be manufactured from flame/fire retardant material.
 - 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, is to be used on the screens, windbreaks, etc. or any other items of furniture.
 - Screens may not extend beyond the designated space shown on the official Dún Laoghaire-Rathdown County Council drawing and granted under the licence.
 - Screens, posts and base plates must be removed and stored away by the licence holder from the public footpath / licenced area outside of the Street Furniture Licence operating hours.
29. For the use of umbrellas / awnings / screens / windbreaks the following conditions apply:
 - Materials/textile to be manufactured from flame/fire retardant material; see Fire Regulations.
 - All items must be sufficiently robust to prevent overturning or dislodging in adverse wind conditions.
 - No advertising apart from the name of the premises to be used on any item.
 - The extent and layout of umbrellas, awnings, canopies etc. to be agreed with the Street Furniture Licencing, Traffic Section, Infrastructure & Climate Change Department, Dún Laoghaire-Rathdown County Council and must be in compliance with relevant governing legislation.
 - Screens etc. or parasols / umbrellas must not be fixed or attached to the footpath or roadway and removed by the licence holder outside of permitted hours.
 - All furniture, including screens / windbreaks / umbrellas / parasols etc. must be removed by the licence holder outside of permitted hours during closing hours.

Awnings should be retracted during closing hours.

30. Fire Regulations must be fully adhered to.
- A clear and direct passage between the public footpath and the entrance / egress to the premises and adjacent premises must be maintained for use at all times.
 - Access to Fire Hydrants is to be maintained at all times.
 - All furnishings and fittings in the outdoor seating area (including tables and chairs / screens / windbreaks / umbrellas etc.), are to comply with the Department of the Environment "Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly", and are to be non-combustible, or constructed of flame/fire-retardant material of limited combustibility.
 - Umbrellas shall be of robust, sturdy construction. The central post, arms and frame should be of stainless steel, powder-coated metal or aluminum construction.
 - There should be a suitable gap (of at least 500mm) between the top of the screen and the lowest point of the umbrella. A 2.3m clearance is required from the finished ground level to the lowest point of the umbrella.
 - The use of portable LPG heaters is not permitted.
 - Heating appliances permitted shall be:
 - 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).
 - Where heaters are located within, or directly in contact with an umbrella / awning used for outdoor seating, the umbrella / awning shall be:
 - Constructed of materials of limited combustibility.
 - Certified for use with an outdoor heater.
 - Heating appliances and seating must be located so as not to obstruct or block escape routes.
 - All heating appliances / outdoor heaters should comply with the relevant Irish Standards, have the CE Mark and must be installed by a competent installer and the installation should be certified, as required by the standard, and maintained and used strictly in accordance with the manufacturer's requirements.
 - The entire premises, including the outdoor seating areas, is to be managed in accordance with the Code of Practice for Fire Safety in Places of Assembly & Recreation.

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

31. The footpath clearance as specified in the licence must be maintained to front of the licensed area at all times. 'Footpath clearance' is defined as the distance between the front edge of the licensable area and the edge of the footpath or the inside edge of any street furniture elements, bollards, columns etc., wherever such exist.
32. Street Furniture may only be placed on the street between the times specified on the licence and will be removed and stored away by the licence holder from the public footpath or public space at close of business every day, or not later than 11.00p.m. daily, whichever is the earlier.

If any street furniture is in place outside of permitted hours, the Street Furniture Licence may be immediately rescinded and furniture may be removed at the licence holder's expense.

33. Any fees paid are non-refundable.

34. The licence holder must comply with all relevant legislation in relation to the licenced area and the business premises, including legislation enforced by Dún Laoghaire-Rathdown County Council and by An Garda Síochána and other statutory bodies.

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, may 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 and the licence may be revoked. Any fees paid on issuing of the licence are non-refundable.

Non-adherence to conditions of application for a Street Furniture Licence may be considered a breach of licence. The Street Furniture Licence may be rescinded and if it is deemed necessary to remove street furniture, it may be removed and disposed of at the licence holder's expense.

Licence Renewal – date of required renewal to be considered

Licences are issued for a maximum 12-month period commencing 1 April each year.

The charges applied to a Street Furniture Licence will be per 12-month period or part thereof. Should an application for a Street Furniture Licence be made on a date where the licence will not be processed prior to 31 March of that year, the charges for the full 12-month period will still apply for the remaining part of the 12-month licence period.

Licences will not be automatically renewed. Application must be made three months prior to expiry of current licence for consideration and renewal. The granting of a licence does not automatically guarantee the renewal in subsequent years.

Should the licence holder decide to discontinue the licence during the course of the period the licence was granted for, any fees paid on issuing of the licence are non-refundable.

Suspension / Revoking of a Licence

It is a condition of the issue of any licence that the applicant accepts that Dún Laoghaire-Rathdown County Council can suspend / revoke the licence, if it is deemed to be in the interests of road safety, in order to facilitate work in, or near, the area covered by the licence, or at the discretion of Dún Laoghaire-Rathdown County Council.

It is a condition of the issue of any licence that the applicant accepts that Dún Laoghaire-Rathdown County Council can revoke the licence, with immediate effect if there is deemed to be a breach of the licence.

Any fees paid on issuing of the licence are non-refundable.

Insurance and Claims

Indemnity

The applicant must specifically 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, screens, windbreaks, umbrellas etc., advertising signs or other items on the footpath or on public space.

The applicant must have Public Liability insurance cover for limits of not less than €6.5 million.

Furthermore, the applicant shall ensure and provide evidence that these insurances contain a specific indemnity to Dún Laoghaire-Rathdown County Council. **Dún Laoghaire-Rathdown County Council must be specifically named and indemnified.**

Insurance details (copies of policy) 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*.

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 to a minimum of €6.5m
- f) Specific written Indemnity to Dún Laoghaire-Rathdown County Council.

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

Noting of the Dún Laoghaire-Rathdown County Council's interest will not suffice. Dún Laoghaire-Rathdown County Council must be specifically indemnified.

It is the responsibility of the licence holder that should the insurance policy lapse/expire prior to the date of expiration of the licence, a copy of the subsequent insurance policy specifically indemnifying Dún Laoghaire-Rathdown County Council shall be submitted to the Street Furniture Licencing, Traffic Section.

Privacy Notice / GDPR etc.

The information provided in the application 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 Dún Laoghaire-Rathdown County Council Street Furniture Licencing, Traffic Section is generally limited to contact details provided in respect of requests made for road maintenance, traffic management and licensing measures.

The information may be shared internally with:

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

The information may be shared externally with statutory bodies, for example Dublin Fire Brigade and/or An Garda Síochána.

The information supplied 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.