

**Land Use, Planning and Transportation Department, County Hall, Town Centre, Tallaght, Dublin 24**. **Tel**: **(01) 4149000. Email:** seoroads@sdublincoco.ie

**Section 254, Planning and Development Act 2000, as amended**

**Article 201(b) of the Planning and Development Regulations, as amended**

**Application for Temporary COVID-19 Street Furniture Licence**

**for tables and chairs outside a hotel, restaurant, public house**

**or other establishment where food is sold for**

**consumption on the premises**

I hereby apply for a licence to erect / construct / place / maintain an appliance(s) / apparatus(s)/structure(s) on/under/over/along a public road in accordance with particulars as under: - {strike out above as relevant}

1. **Name of Applicant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
2. **Name of Person/Agent acting on behalf of applicant (if any):**

|  |
| --- |
|  |

1. **Particulars of appliance(s)/apparatus(s)/structure(s) for which a licence is required:**

|  |
| --- |
|  |
|  |
|  |

1. **Street space of proposed area:**

Length \_\_\_\_\_\_\_\_\_\_ metres

Width \_\_\_\_\_\_\_\_\_\_\_\_ metres

Total Area \_\_\_\_\_\_\_\_\_\_\_\_ metres squared

|  |  |
| --- | --- |
| Widths of clear areas |  |
| * Retain 2 metres on the footpath for pedestrians
* Retain 3.5 metres on the road for vehicles
* Provide a plan, photo, or drawing of the proposed arrangement,
* Description of canvas / screen to be used where the business is providing this
* Hours of operation
 | Clear pedestrian widths: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Clear vehicular widths: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Supplied From \_\_\_\_\_ hours to \_\_\_\_\_\_ hours |

1. **Proposed location of appliance(s)/apparatus(s)/structure(s) for which licence is required:**

|  |
| --- |
|  |
|  |
|  |

*The Applicant is advised that a site map to a scale of not less than 1:2500 is also required to identify the location of the proposal.*

|  |  |
| --- | --- |
| Name of Insurance Company:Policy Number:Expiry Date: |  |

1. **Period for which licence will be needed: (If Applicable)**

*From: To:*

Declaration

I confirm that all the above information is correct. I am aware that if a temporary licence is granted it does not exempt me from the provisions of any other legislation.

I am aware that Screens as agreed by South Dublin County Council are subject to the following conditions:

* **Screens to be plain, coloured or neutral canvas type, not more than one metre high, spanning between or framed by simple metal type posts.**
* **No advertising apart from the name of the premises to be used on the screens, without the permission of South Dublin County Council.**

I understand and accept that South Dublin County Council does not licence solid screens or screens displaying advertising. Such screens may be removed and disposed of by South Dublin County Council without further notice.

I am aware that **advertising boards** on the public pavement are not licensed at any time and will be removed by South Dublin County Council.

I have been notified that breaches of the conditions of this licence **will** lead to this temporary licence being immediately suspended or revoked.

I have read and agree to abide by the general conditions that apply in respect of the temporary COVID-19 street furniture licence and by any specific conditions, which may be attached to the licence by South Dublin County Council.

**Signature of applicant**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Name in block letters:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completed application forms with enclosures should be returned to:

South Dublin County Council, Land Use, Planning and Transportation, COVID-19 Street Furniture Application Section, County Hall, Town Centre, Tallaght, Dublin 24.

Email: seoroads@sdublincoco.ie

**FOR OFFICE USE ONLY**

**Register Reference**

**Fee Received €**

**Receipt No.**

**Date**

***ADDITIONAL CONTACT INFORMATION IMPORTANT***

***THIS PAGE MUST BE SUBMITTED ON A COMPLETELY SEPARATE PAGE AS IT WILL NOT FORM PART OF THE PUBLIC FILE***

**Please note:**

* The applicant’s address **must** be submitted on this page.
* If the applicant/agent wishes to submit additional contact information, this may be included here.
* This page will not be published as part of the planning file.

**Applicant (person seeking Section 254 Licence and not an agent on their behalf):**

|  |  |
| --- | --- |
| *Address (Required)* |  |
| *Telephone No.* |  |
| *Fax No. (if any)* |  |
| *Email Address* |  |

**Person/Agent acting on behalf of the Applicant (if any):**

|  |  |
| --- | --- |
| *Address (Required)* |  |
| *Telephone No.* |  |
| *Email Address* |  |
| *Fax No. (if any)* |  |
| **Should all correspondence be sent to the above address? (please tick appropriate box)**(Please note that if the answer is ‘No’, all correspondence will be sent to the Applicant’s address)**Yes [ ] No [ ]** |

**CONDITIONS**

**General conditions for the placing of tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises.**

1. The granting of a temporary COVID-19 licence refers only to the placing of tables and chairs and so on, on a public footpath / roadway adjacent to the applicant’s property. It does not licence any advertising or the storage and display of goods at the location.
2. The granting of a COVID-19 Temporary Street Furniture Licence will be for a twelve-month period or until the organization’s insurance expires (whichever is the earliest).
3. A copy of the licence shall be prominently displayed at the main entrance outside the premises. The licence should be clearly visible to members of the public and officials of South Dublin 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.
4. The dimensions and total area of proposed licensed street space in square meters shall be as specified in the licence.
5. The area for tables and chairs shall be enclosed by way of screens, the design of which, including material proposed to be used, must be approved by South Dublin County Council.
6. In the assessment of an Application for an Outdoor Dining Licence, the applicant and assessor will ensure that the dining areas are accessible to disabled persons.
7. The Outdoor Dining furniture or structures shall not block any Public Footpaths. A minimum of 1.8m shall be provided to allow wheelchairs to pass the Outdoor Dining Area.
8. No disabled parking bays shall be removed, nor their access restricted, to facilitate the installation of Outdoor Dining Areas.
9. The granting of a temporary licence does not automatically guarantee its renewal.
10. The applicant shall not sub-let the licensed area.
11. A change in use of the licensed area will require the submission of a new application.
12. The applicant / applicant’s agent shall maintain the area used for tables and chairs or other furniture in an acceptable condition so as not to constitute a nuisance. He / she shall indemnify South Dublin 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 / road and will be responsible for compliance with public health advices including social distancing requirements.
13. **The Applicant shall be required to submit for inspection to South Dublin County Council, and to continue to maintain a Public Liability Insurance policy, which provides cover to a minimum value of €2.6 million indemnifying South Dublin County Council against third party claims**.
14. Furniture and other items shall be removed immediately if requested by South Dublin County Council. Equally, South Dublin 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 South Dublin County Council for suspending, cancelling or varying the terms of the licence.
15. 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 street furniture placement.
16. Only South Dublin County Council shall carry out work on the public road / footpath.
17. The licence holder shall enter into an agreement with South Dublin County Council to pay for any repairs to the footpath or public roadway arising from the licence.
18. Holes may not be made in the public road / footpath.
19. The tables and chairs or other items of street furniture and so on, shall not obstruct visibility at junctions, accesses, fire exits and fire hydrants and so on.
20. Live music may only be played in outdoor dining areas in line with Government authorization, and not in locations where residential premises may be affected.
21. Access for maintenance purposes to public lighting equipment, traffic equipment, CCTV and the associated under-ground or over-head services shall always be available.
22. The licensed area shall not enclose any public lighting columns or apparatus or use public lighting equipment for unauthorised supports or attachments.
23. All water main covers, sewer manholes and service access points for utilities and fire hydrants shall always be accessible.
24. No table or chair or other item of street furniture shall be positioned over or obstructing a fire hydrant.
25. No structure (either temporary or fixed) shall impede the flow of water to the local road drainage provided.
26. If intoxicating liquor is being served in the area covered by this licence, the licence holder must also comply with the requirements of the Intoxicating Liquor Acts.
27. South Dublin County Council may reduce the licensed area in any case, where the occupied space is required in the interests of public safety or to facilitate any works / event during the licensed period.
28. The tables and chairs or other furniture shall be of robust and stable construction to prevent movement in adverse wind conditions. The Licencee shall remove any outdoor dining equipment if extreme weather conditions are forecast.
29. Screens as agreed by South Dublin County Council are subject to the following conditions:
30. Screens to be plain, coloured or neutral canvas type, not more than one meter high, spanning between or framed by simple metal type posts.
31. Screens to be manufactured from flame / fire retardant material.
32. Base plates or weighted bases to screening posts must not extend outside the licensed area.
33. All screens, posts and bases must be demountable.
34. Screens must be sufficiently robust to prevent overturning in adverse wind conditions.
35. No advertising apart from the name of the premises to be used on the screens, without the permission of South Dublin County Council.
36. Colour type and size of logos, lettering and names applied to the screens, ancillary equipment and so on, must be approved by South Dublin County Council
37. Side awnings or front awnings may not be used to cover the licensed area.
38. Heating appliances are subject to the following conditions:
39. No heaters are to be used without written approval from the Chief Fire Officer, Dublin City Council.
40. Heating appliances and seating must be located so as not to obstruct escape routes.
41. The use of portable LPG heaters are not permitted.
42. Heating appliances shall be:
	1. Permanently piped gas heating in compliance with I.S. 820:2019.
	2. Electric Heating (achieving a minimum IP Rating of IP55).
	3. Infra-red Heating (achieving a minimum IP Rating of IP55).
43. All outdoor heaters should comply with the relevant Irish Standards, should be installed by a competent person, and the installation should be certified, as required by the standard.
44. If planting is provided to the outdoor area, it is the responsibility of the owner / occupier to ensure that if they install outdoor heaters at a later stage, they are installed by a competent person and, the location of the heaters are sufficiently remote from the planting that the heaters don’t act as an ignition source for vegetation
45. The footpath / road clearance as specified in the licence must always be maintained.
46. A letter of consent / agreement between the applicant and its immediate neighbouring premises shall be provided to SDCC regarding proposals.
47. Measures shall be put in place to ensure a separation of the seating area from traffic and parking. These measures must include the provision of reflective temporary barrier and/or lining.
48. There shall be sufficient street lighting provided.
49. The following **Fire Safety Conditions** apply:
50. If the structure cannot be defined as a temporary structure, a Fire Safety Certificate may be required. The definition of a temporary structure is a structure “of a temporary nature erected on a site for a period not exceeding 28 consecutive days or 60 days in any period of 12 months.
51. All furnishings and fittings in the outdoor seating area (including tables and chairs), 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 material of limited combustibility.
52. No smoking is permitted in the outdoor dining area. A separate smoking area can be provided.
53. If planting is provided, it should be watered regularly to ensure it doesn’t dry out.
54. The use of surface treated timber plinths is not permitted.
55. The use of artificial grass is not permitted, unless it is either non-combustible, or constructed of materials of limited combustibility (for use on Places of Assembly & Recreation). The appropriate test certification is to be held on the premises, for review by the Fire Authority.
56. The outdoor seating area is to be constructed throughout of material of limited combustibility. If the area is constructed of timber, the timber is required to be impregnated (as opposed to being treated with a surface painted fire retardant), to comply with Part B of the Building Regulations.
57. The entire premises (including outdoor seating areas) are to be managed in accordance with the Code of Practice for Fire Safety in Places of Assembly & Recreation.

**EXPLANATORY NOTES**

**PLEASE READ NOTES BELOW BEFORE COMPLETING THE FORM**

A licence must be obtained in order to erect, construct, place or maintain any of the following on, under, over or along a public road

* + A vending machine
	+ A town or landscape map for indicating directions or places
	+ A hoarding, fence or scaffold
	+ An advertisement structure
	+ A cable, wire or pipeline
	+ Overground electronic communications infrastructure and any associated physical infrastructure
	+ A telephone kiosk or pedestal
	+ Any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section of the Planning and Development Act 2000 (as amended).

Section 2 of the Planning and Development Act 2000 (as amended) states that “public road” has the same meaning as in the Roads Act, 1993. Section 2 of the Roads Act 1993 states: *“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a Road Authority”.*

A person applying for a licence must furnish with the application form such plans and information concerning the position, design and capacity of the appliance, apparatus or structure. Such plans and information should include:

* + Completed licence application form
	+ Site Location Map - 1/2500 scale
	+ Site Layout Plan showing location of proposed appliance(s)/apparatus(s)/structure(s)
	+ Drawing to scale of proposed appliance(s)/apparatus(s)/structure(s)
	+ The appropriate Licence Fee
	+ Copy of Insurance Confirmation indemnifying South Dublin County Council against claims arising out of any accidents to persons or property.
	+ Written legal consent of the landowner.

The Planning Authority may grant a licence for a specified period and subject to conditions. The decision of the Planning Authority can be appealed to An Bord Pleanála.

Where in the opinion of the Planning Authority that due to the:

* + Increase or alteration of traffic on the road
	+ Widening of the road
	+ Any improvement to the road
	+ The appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may, by notice in writing, withdraw the licence and require the licencee to remove the appliance, apparatus or structure at their own expense.

Article 202 – Fees for Licences under Section 254 of the Act

1. Where a licence is granted by a planning authority under section 254 of the Act—
	1. to erect, construct, place and maintain, or
	2. to maintain,

a specified appliance, apparatus or structure referred to in Part 1 of Schedule 12, the amount of the fee to be paid to the planning authority shall, subject to the provisions of Article 203, be:

* + 1. where the licence is for a period of one year, the appropriate amount indicated in column 2 of that 253 Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure,
		2. where the licence is for a period of more than one year, an amount equal to the fee for one year for each year or part of a year for which the licence is granted, and
		3. where the licence is for a period of less than one year, an amount equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted.
1. Where a licence is granted by a Planning Authority under Section 254 of the Act to erect, construct, place and maintain a specified appliance, apparatus or structure referred to in Part 2 of Schedule 12, the amount of the fee to be paid to the planning authority shall be the amount indicated in column 2 of that Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure, and no fee shall be payable in respect of any renewal of a licence for such an appliance, apparatus or structure.

**Privacy Statement for Land Use, Planning and Transportation Department**

**Business Unit: Traffic Section**

**Who we are and why do we require your information?**

South Dublin County Council seeks to promote the economic, social and cultural development of the County and in doing so contribute significantly to improving the quality of life of the people of South Dublin County.

The delivery of high-quality services, tailored to meet the needs of all our customers, remains one of South Dublin County Council’s core objectives and is included in our Corporate Plan. This quality service includes not only the level and quality of service given to our customers but also the quality of our decision-making processes, the efficiency and effectiveness of our corporate operations, standard of our facilities and our ability to adapt in an ever-changing environment.

To provide the most effective and targeted range of services to meet the needs of the citizens, communities and businesses of South Dublin County we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being sought or provided the information sought may include ‘personal data’ as defined by the Data Protection Acts and by the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past, current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements.

**Why does the Council have a privacy statement?**

South Dublin County Council has created this privacy statement to demonstrate the Council’s firm commitment to privacy and the security of the personal data you provide to the Council.

South Dublin County Council’s commitment to you is that the personal data you may be required to supply to us is:

* Obtained lawfully, fairly and in a transparent manner
* Obtained and retained for only specified, explicit and legitimate purposes
* Adequate, relevant and limited to what is necessary for the purpose for which it was obtained
* Recorded accurately and, where necessary, updated
* Stored safely and securely
* Kept only for as long as is necessary for the purposes for which it was obtained
* Kept in a form which permits identification of the data subject
* Processed fairly and in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

**Services referred to in this Privacy Statement:**

The policy, procedure and management of data in relation to the following:

* Abnormal Load Permits
* Temporary Road Closures
* Extinguishment of a Public Right of Way
* Way-Finding Signage
* Hoarding Licences
* Applications for Traffic Calming

**Personal data required:**

Contact data to allow for efficient communication. In the case of applications for Traffic Calming, you will also be required to provide proof of address.

**Specific and legitimate purpose for which the personal data is being sought:**

This data is required for the performance of a task carried out in the public interest or in the exercise of official authority vested in South Dublin County Council in accordance with Article 6(1) (e) of the General Data Protection Regulation, 2016.

**Legal basis under which the information is required to be supplied:**

|  |  |
| --- | --- |
| **Service** | **Legal Basis for Collection** |
| Abnormal Load Permits | Road Traffic (Special Permits for Particular Vehicles) Regulations 2007  |
| Temporary Road Closures | Section 75 of the Roads Act, 1993 |
| Way-Finding Signage | Section 254 of the Planning and Development Act, 2000 |
| Hoarding Licences | Section 254 of the Planning and Development Act, 2000 |
| Extinguishment of Public Right of Way | Section 73 of the Roads Act, 1993  |
| Traffic Calming | Section 38 of the Road Traffic Act, 1994 |

**Other organisations/bodies/entities that the Council will be required to share data with, or obtain data from, in order to provide the required service:**

The Council may share your information internally (within the Council) and with third parties, in accordance with statutory and regulatory obligations and subject to compliance with Section 8 of the Data Protection Acts. The staff of the Traffic Section may request, obtain and share information, in carrying out its various functions, from/with An Garda Síochána as appropriate.

**How your personal data will be kept safe from unauthorised or unlawful processing:**

We take our data security responsibilities seriously, employing the most appropriate physical and technical measures, including staff training and awareness. We review our data security measures and procedures regularly.

**Period for which your personal data will be retained**

The Land Use, Planning and Transportation Department will only keep your personal data for as long as is necessary, for the purpose for which we are processing it and in accordance with our Record Management and Retention Policy, unless we have a legitimate reason for keeping it, for example, any legal requirement to keep the data for a set time period. Where we do not need to continue to process your personal data, it will be securely destroyed.

**Your Data Protection Rights**

* You have the right to request access to personal data held about you, obtain confirmation as to whether data concerning you exists, be informed of the content and source of data and check its accuracy. In addition, if the data held by South Dublin County Council is found to be inaccurate,you have the right to have the data corrected by the Council.
* You may request to have information erased, object to direct marketing and to restrict the processing of your information, including automated decision-making.
* You have the right to request data portability (transfer) of personal data held electronically by the Council to another data controller where technically feasible.
* You may withdraw consent at any time where processing is based entirely on your consent.
* Please note that to help protect your privacy the Council will take steps to verify your identity before granting access to personal data.

Data access requests should be made in writing and addressed to the

**Data Protection Officer, South Dublin County Council, County Hall, Tallaght, Dublin 24.**

**E-Mail: dataprotection@sdublincoco.ie.**

**Telephone: 01-414 9000.**

**Right of Complaint to the Office of the Data Protection Commissioner**

If you are not satisfied with the outcome of the response you receive in relation to a data access request or are unhappy with the manner of the processing of your data by South Dublin County Council, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

The Data Protection Commissioner’s website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact the Commissioner’s Office at:

Lo-Call Number: 1890 252 231

E-mail: info@dataprotection.ie

Postal Address: Office of the Data Protection Commissioner, Canal House, Station Road, Portarlington, R32 AP23, Co. Laois.