

Business Use of Public Spaces FAQs

FAQs

- 1. Can I use a public space outside my business as an extension to my business?** The policy of the City Council is to assist hospitality businesses wishing to operate in public spaces adjacent to their premises.
- 2. Is there a limit to what I can do?** Yes. Dublin City Council has responsibility for managing public spaces throughout the City. We need to make sure that the public domain is safe and navigable for all citizens, therefore businesses must operate within certain regulations and guidelines.
- 3. Can I use the footpath in front of my business for furniture?** Generally you can but you need to apply for an *Annual Street Furniture Licence*. You cannot block or interfere with fire exits and you will need to maintain a 1.8 metre circulation space on the footpath over and above your temporary seating space requirement, for safe movement of pedestrians, as well as people with disabilities. It may not be possible to accommodate your application if our requirement cannot be complied with.
- 4. What type of furniture is covered under an *Annual Street Furniture Licence* ?** Tables, Chairs, Barriers/Windbreakers. All furniture etc. must be capable of being removed every evening and stored off street.
- 5. Can I use the public road in front of my business for furniture?** In most situations the answer here is No, but please make an enquiry via email to streetfurniture@dublincity.ie .
- 6. Can I make an application in combination with a neighbouring similar businesses?** Yes, in appropriate locations and subject to additional requirements, DCC support businesses coming together to make combined applications.
- 7. How do I begin?** Get in touch with us here at Dublin City Council at streetfurniture@dublincity.ie . Tell us what you are proposing. We can also point you in the direction of other businesses, that are approved and are operating successfully, that can be observed as models of best practice.
- 8. Is there anything else I need to consider?** The safety of customers and of members of the public is paramount. Please see General Guidance and Dublin Fire Brigade Fire Safety and Operational Requirements outlined below.

Annual Street Furniture Licence Application Procedure

Applications for an Annual Street Furniture Licence are dealt with by way of permission granted under the Planning & Development Regulations, 2001 (made under the Planning & Development Act, 2000). Every licence is issued subject to the general conditions for street furniture Licences (see below). In addition, specific conditions may be applied in respect of a particular Licence.

Acceptable evidence of Public Liability Insurance cover indemnifying Dublin City Council must be provided.

Any breaches of public health or fire safety guidelines will result in the **immediate** withdrawal and cancellation of the temporary permit.

Completed application forms should be returned to:

Email streetfurniture@dublincity.ie

**Post: Street Furniture Unit
Block 2 Floor 4
Civic Offices
Wood Quay
Dublin 8**

Notes:

The applicant will be required to submit one of the following:

- (i) Evidence that food is sold for consumption on the premises or
- (ii) Evidence that an Intoxicating Liquor Licence has been issued in respect of the premises.

All applications must be made on the official Application Form and must be accompanied by drawings, including measurements of the proposed area and dimensions of clear space, providing the required access widths for vehicular and pedestrians, and also indicating the following:

- (i) All utilities/services in the area including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and all 'in situ' items of street furniture, etc. within 10m of the proposed area.
- (ii) Dimensions of the proposed area and the location and dimensions of the tables, chairs or other items of furniture to be located within the area. Information on the type of outdoor seating and screens to be provided e.g. metal seating, fabric screening etc.
- (iii) Dimensions and locations of fire exits.
- (iv) Details of screens proposed to enclose the permitted area.

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 area permitted for outdoor furniture shall be made accessible to everyone including people with impaired mobility.
2. The granting of street furniture licence refers only to the placing of tables and chairs etc. on a public footpath/roadway adjacent to the applicant's property. It does not permit any advertising or the storage and display of goods at the location.
3. The dimensions and total area of licenced street space in square metres shall be as specified in the licence .
4. 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 Dublin City Council.
5. A copy of the Licence shall be prominently displayed at the main entrance outside the premises, so as to be clearly visible by members of the public and officials of Dublin City 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.
6. The granting of a street furniture licence does not automatically guarantee its renewal.
7. The applicant shall not sub-let the licensed area.
8. A change in use of the licensed area will require the submission of a new application.
9. The granting of a street furniture licence will be for a 12 month period.
10. 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 Dublin City 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.
11. The Applicant shall be required to submit for inspection to Dublin City Council, and to continue to maintain a Public Liability Insurance policy, which provides cover to a minimum value of €6.5 million indemnifying Dublin City Council against third party claims.
12. Furniture and other items shall be removed immediately if requested by Dublin City Council. Equally, Dublin City 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 Dublin City Council for suspending, cancelling or varying the terms of the Licence
13. 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.
14. All costs incurred by Dublin City 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 Dublin City Council shall carry out work on the public road/footpath. The licence holder shall enter into an agreement with Dublin City Council to pay for any repairs to the footpath or public roadway arising from the licence.
15. **Holes may not be made in the public road/footpath. No screens or furniture is to be bolted or fixed to the public footpath / Roadway. Permanent / semi-permanent structures are not permitted.**
16. A clear and direct entry between the public footpath/road and the entrance to the premises shall be maintained at all times.
17. The tables and chairs or other items of street furniture etc, shall not obstruct visibility at junctions, accesses, fire exits and fire hydrants etc.

18. No musical apparatus shall be used within the licensed area and no music etc. shall be played or broadcast within the licensed area.
19. Access for maintenance purposes to public lighting equipment and the associated under-ground or overhead services shall be available at all times.
20. The licensed area shall not enclose any public lighting columns or apparatus or use public lighting equipment for unauthorised supports or attachments.
21. All water main covers, sewer manholes and service access points for utilities and fire hydrants shall be accessible at all times.
22. No table or chair or other item of street furniture shall be positioned over or obstructing a fire hydrant.
23. 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. The attention of the licence holder is also drawn to the Dublin City Council (Prohibition of Consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2008, which prohibit the consumption of intoxicating liquor in public places. Failure to comply with the provisions of the Act & Bye Laws **will** result in the withdrawal of the street furniture licence
24. Dublin City 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 permitted period.
25. The tables and chairs or other furniture shall be of robust and stable construction to prevent movement in adverse wind conditions.
26. Screens as agreed by Dublin City Council are subject to the following conditions;
 - Screens to be not more than 1.8 metre high, spanning between or framed by simple metal type posts.
 - 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 Dublin City Council.
 - Colour type and size of logos, lettering and names applied to the screens, ancillary equipment etc, must be approved by Dublin City Council.
27. Side awnings or front awnings may not be used to cover the licensed area.
28. The following **Fire Regulations** must be fully adhered to..
 - The exits from the premises and adjacent premises are to be kept clear and are to be available for use at all material 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), 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.
 - The use of portable LPG heaters are not permitted.
 - Heating appliances 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 shall be located such that they do not block 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, as required by the standard.
 - 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.
 - No smoking is permitted in the outdoor seating area, and if planting is provided, it to be watered regularly to ensure it doesn't dry out.
 - The use of un-treated timber plinths and artificial grass is not permitted.
 - All 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.
 - The entire premises (including their outdoor seating areas), is to be managed in accordance with the Code of Practice for Fire Safety in Places of Assembly & Recreation.
29. The footpath/road clearance as specified in the licence must be maintained at all times.
30. Street Furniture may only be placed on the street between the times specified on the licence and must be removed outside these hours. If any street furniture is in place outside of permitted hours the licence will be **immediately** rescinded and furniture will be removed at the licence holder's expense.
31. The footpath/road clearance as specified in the licence must be maintained at all times.

Dublin Fire Brigade Fire Safety and Operational Requirements

Awnings (requiring Planning Permission)

Where awnings can open directly opposite each other on both sides of the street, a minimum separation distance of 3.5m is required between fully extended awnings to allow for Fire Brigade access.

Heating

Outdoor heating should consist of one of the following options:

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).

All outdoor heaters should comply with the relevant Irish Standards, should be installed by a competent person, and the installation should be certified, as outlined in the standard.

Outdoor heaters are to be located so that they do not block escape routes

The use of portable LPG heaters is not permitted.

Barriers/Windbreakers:

Barriers and windbreakers must not be bolted or fixed to the public footpath / roadway

Barriers and windbreakers should not impede escape from the outdoor seating area. Where barriers or windbreakers extend for more than 18m in length, they are required to have clear openings achieving a width of 900mm to allow occupants to escape the outdoor seating area.

Information on the Fire Safety Certificate process can be found at:

<https://www.dublincity.ie/business/dublin-fire-brigade/fire-safety-prevention/fire-safety-businesses-employees-and-employers/fire-safety-certificate-application>

The applicant should obtain the services of Fire Consultant / Chartered Engineer, in order to make the Fire Safety Certificate Application on their behalf.

All furniture and fittings are to comply with the “Department of the Environment Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly”. <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/Community/FireandEmergencyServices/FileDownload%2C818%2Cen.pdf>

Tables and Chairs

Tables and chairs are to be located so that they do not:

Block or impede the means of escape from the premises, or adjacent premises.

Block or impede access to fire hydrants.

Reduce the clear minimum width of the roadway to less than 3.5, which is required for Fire Brigade Access.

In addition to the above, all tables and chairs are to be constructed of non-combustible materials, or are to comply with the “Department of the Environment Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly”. <https://www.housing.gov.ie/sites/default/files/migratedfiles/en/Publications/Community/FireandEmergencyServices/FileDownload%2C818%2Cen.pdf>

Umbrellas:

No smoking shall be permitted under outdoor umbrellas

Where infra-red or electric heaters are located within, or directly in contact with an umbrella used for outdoor seating, the umbrella shall be certified for use with an outdoor heater.

Use of Public Footpath

The use of the public footpath for outdoor street furniture, should not:

Block or impede the means of escape from the premises, or adjacent premises.

Block or impede access to fire hydrants.