



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Development Department,
Civic Offices.

22nd October 2018

**The Chairperson and Members
South Central Area Committee**

Meeting: 21st November 2018

With reference to the proposed grant of a licence of a site at Clonmacnoise Court, Crumlin, Dublin 12 to the Walkinstown Association for People with an Intellectual Disability CLG (WALK).

By way of Licence Agreement Dated 12th January 2014 Dublin City Council granted a licence for use of a site as a community garden at Clonmacnoise Court, Crumlin, Dublin 12 which is more particularly delineated on the map index SM2013-0848 to the Walkinstown Association for People with an intellectual disability Limited (WALK) for a period of 11 months and subject to a licence fee of €250.

A further 2 Licence Agreements were granted with the most recent expiring on 16th October 2016 and the licensee is currently over holding under same. The South Central Area Office has no objection to the renewal of a further Licence.

Accordingly it is proposed to grant a further licence of a site at Clonmacnoise Court, for use as a community garden subject to the following terms and conditions:

1. The licence shall be for a period commencing 16th October 2016 -31st December 2019.
2. The licence fee shall be €250 per annum.
3. The said site which is more particularly outlined red on Map Index No. SM2013-0848 shall be used solely as a community gardening facility.
4. The licensee shall be required to sign a Deed of Renunciation.
5. The licensee shall be responsible for fully insuring the property and shall indemnify Dublin City Council against any or all claims arising from its use of the property. Public Liability Insurance in the amount of €6.5 million and Employer's Liability Insurance in the amount of €13 million shall be required. If the licensee has no employees, confirmation in writing is required.

6. The licensee shall be responsible for the maintenance and upkeep of the property and the provision and maintenance of any boundary treatments deemed necessary.
7. The licensee shall at it's own expense secure a water source (if necessary) to assist with the maintenance of the subject plot and shall inform their insurance provider of same.
8. That the licence is non-transferable and the licensee shall not sublet, subdivide, alienate or part with possession of the subject property.
9. The licensee shall be responsible for all rates, taxes and other outgoings on the said plot of ground.
10. The licensee shall keep the community garden and all accesses clean and tidy and in good condition and the licensee will take responsibility for any items dumped on the site or in the immediate vicinity of the site.
11. The site will only be used between the hours of 8.00am and 10.00pm each day.
12. The licensee shall not keep on the community garden, animals of any description, poultry or bees or take any dog on the community garden unless it is held on a leash.
13. The licensee shall not erect any buildings or structures on the licenced area.
14. The licensee shall be responsible for ensuring that the access points to the property are secured appropriately and that any gates are kept closed.
15. During the term and at all times, the licensee shall observe and comply in all respects with the provisions and requirement of any and every enactment, regulation, statutory instrument, government, departmental, EU, Local Authority Order, regulation or directive, including the recommendations and regulations of the Fire Authority, Health and Safety Authority, Office of Minister of Children and any recommendations and regulations as laid down from time to time by any appropriate body or authority and to indemnify the City Council at all times against damages, liabilities, losses and demands arising from the breach of this clause.
16. The licence will be subject to any other terms and conditions deemed appropriate by the Council's Law Agent in Agreements of this type.
17. That each party shall be responsible for its' own fees in this matter.

P.Clegg
Executive Manager