

23rd April 2021

**To the Chairman and Members of
the South East Area Committee**

**With reference to the proposed grant of a further licence of the Tea Room Pavillion at
Herbert Park, Ballsbridge, Dublin 4 to Lolly and Cooks Limited**

Under Indenture of Licence dated 20th May 2016, a Tea Room at Herbert Park Pavillion, Ballsbridge, Dublin 4 as shown outlined in red on Map Index No. SM 2015-0923 was demised by Dublin City Council to Lolly and Cooks Limited t/a Herbert Park Tea Room Pavillion for a term of 4 years from the 20th May 2016 with a rent of €34,000 plus vat per annum. The original procurement for the Tea Room Pavillion provided for a Licence for a period of 4 years with an option to extend for 2x1 year periods. Lolly & Cook wish to exercise this option to extend.

Due to closure and government restrictions caused by COVID 19, Lolly & Cook requested a single licence for the further 2 year period and accordingly it is now proposed to grant a two year Licence extension to Lolly and Cooks Limited t/a Herbert Park Tea Room Pavillion on the same terms and conditions as their expired licence to include the following

1. The licence shall be for a period of 2 years commencing on 20th May 2020.
2. The Licensee shall sign a Deed of Renunciation.
3. The Licensee shall pay a Licence Fee of €34,000 + VAT per annum exclusive of all outgoings.
4. The Licensee shall be responsible for the payment of all insurances, taxes, rates, outgoings, utilities and operational costs.
5. The Licence fee shall be payable quarterly in advance.
6. The permitted use shall be solely for the purposes of a tea room and ancillary uses and not for any other purposes.
7. That the Licensee shall not sell, manufacture or permit the consumption of alcohol in or about the licensed area.
8. That each party shall be responsible for their own legal fees and costs in this matter
9. The Licensee shall obtain a high level of public liability insurance and employer's liability insurance (if applicable), which shall indemnify the Council against any and all claims arising from its use of the premises. The Council will have an absolute right to set a minimum level of public liability and employer's liability insurance and to review the figures on a yearly basis (the current minimum levels are €6.5 million (six million, five hundred thousand euro) – public liability and €13 million (thirteen million euro) – employer's liability). The interests of the Council are to be noted on all policies and to be fully indemnified, proof of same must be provided to the Council after every renewal.
10. That the Licensee shall be responsible for any VAT liability in this transaction.

Paul Clegg
Executive Manager