



With reference to the proposed grant of a further licence of the Tea Room Pavilion 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 Pavilion, 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 Pavilion 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 Pavilion 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 Pavilion 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.

The site to be disposed of was acquired from Pembroke Estate.

The proposed disposal shall be subject to such conditions as to title to be furnished, as the Law Agent in her discretion shall stipulate.

No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the South East Area Committee at its meeting on the 10th May 2021.

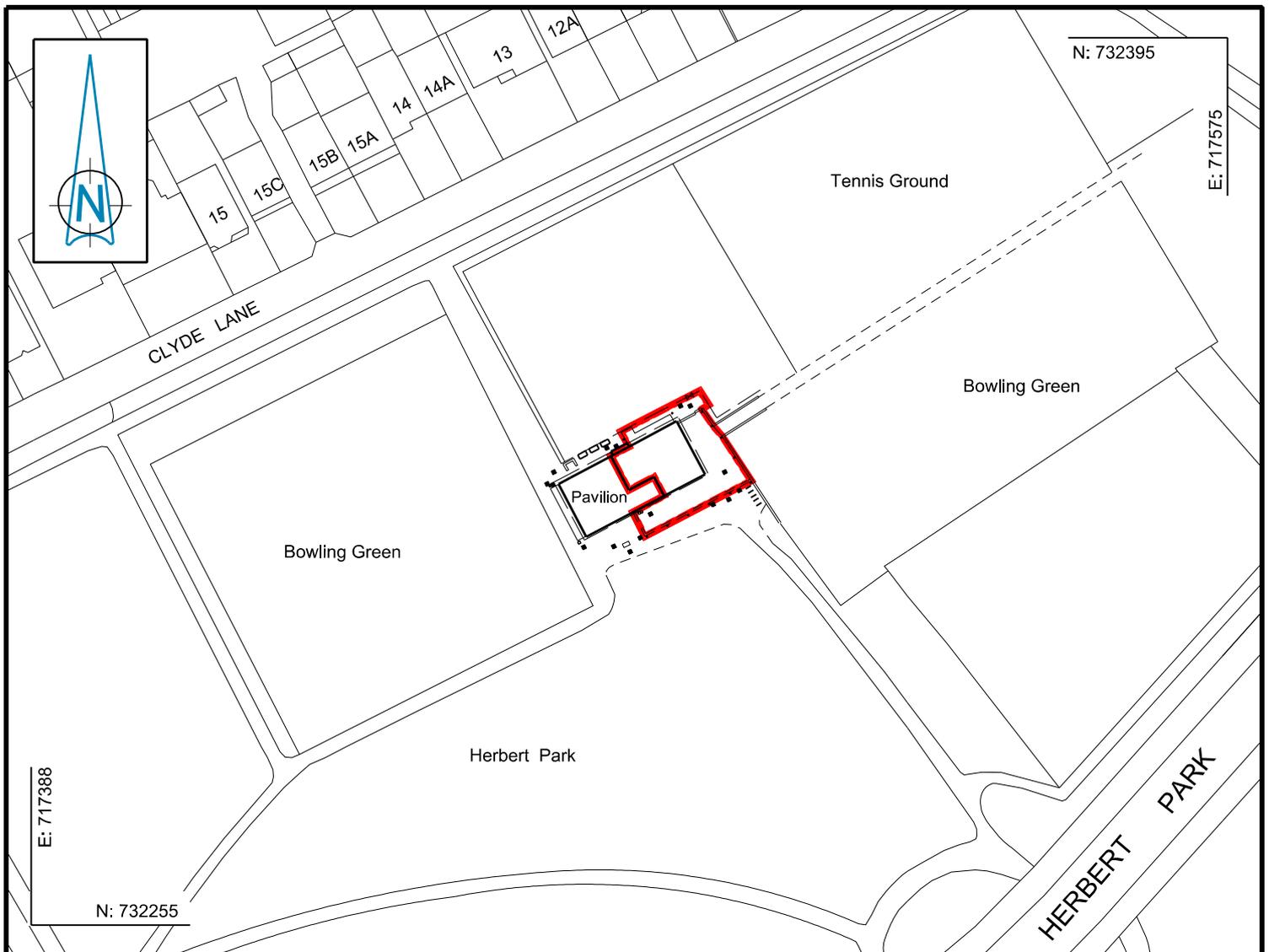
This report is submitted in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Resolution:

That Dublin City Council notes the contents of Report No. 236/2021 and assents to the proposal outlined therein.

Dated this the 20th day of July 2021.

Paul Clegg
Executive Manager



HERBERT PARK - Pavillion Tearoom

Dublin City Council to Lolly and Cooks Limited
Grant of 2 year Renewal

Area: circa 200m² (inc external area)



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Comhshaoil agus Iompair
Rannán Suirbhéireachta agus Léarscáilithe
Environment and Transportation Department
Survey and Mapping Division

O.S REF

3264-22

SCALE

1:1000

DATE

15-10-2020 (Rev C TC)

**SURVEYED /
PRODUCED BY**

T. Curran

INDEX No

FOLDER
No

CODE

DWG
No

REV

FILE NO

SM-2015-0923- 0204- C3 - 001 - C.dgn

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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

INDEX No.

SM-2015-0923

JOHN W. FLANAGAN

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ACTING CITY ENGINEER