
Report to the Protocol Committee on Licences and Leases

Report No 86 was brought to the Protocol & Selection Committee in 2011 which detailed the reasons as to why a lease would be chosen over a licence when disposing of a City Council Property depending on the individual circumstances of each case.

The report at 1 below is an extract of the brief from the meeting containing the Order.

1. Report on Draft Policy on Leases/Licences of Community/Sporting Facilities
Order: The Manager's report was noted by the Committee. It was agreed, that in future, all disposals of buildings and lands be done by way of licence. In cases, where other than a licence is being proposed, the reasons should be included in the report on the proposed disposal to the Area Committee. Recommend to Council.

The Internal Audit Unit carried out a Review of Dublin City Council Properties Leased/Licensed to Community Groups in the Central Area and the final report issued in December 2014 (Internal Audit Report R06/14) which recommended that the 'Development Department should liaise with the Council to update the policy on the use of Leases versus Licences (including the use of Renunciation of Renewal document').

The Law Agent was asked for advice on this matter and a copy of this advice is attached. It is now proposed that the following policy in relation to issuing of leases / licences should be adopted for future lettings:

The Council will grant licences in the following cases

- To all new successful applicants
- In all buildings with multiple occupants, such as Community Centres.
- When the applicant group is not a legally constituted entity capable of taking a lease.
- When the Council is giving a short term permission to use the premises while redevelopment or alternative use is pending.

The Council will grant leases in the following cases

- Where a commercial rent is being charged and the property is being used exclusively
- In cases where the proposed lessee has either financed the building of the premises on Council land or contributed a majority portion of the building cost
- Where certain funding agencies require the applicant to have at minimum a lease of the premises to qualify, then a short term lease shall be granted to include a renunciation clause by the lessee in relation to the right to renew.
- When it is in the Council's interest to have the group responsible for the entire building and its maintenance.
- When it has been advised by the Law Department that the applicant is entitled to a lease.

Jim Keogan
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15th November 2016