

15<sup>th</sup> November 2016

**To the Chairperson and Members of the  
Central Area Committee**

---

**With reference to the proposed grant of a further licence of land for a community garden at the rear of Summer Street North / Sean O'Casey Avenue, Dublin 1.**

---

Dublin City Council at its meeting on 1<sup>st</sup> September 2014 approved the grant of a licence of a plot of land at the rear of Summer Street North and Sean O'Casey Avenue, Dublin 1 which said plot is more particularly delineated on Map Index No. 17505 to Mr. Kevin Downey & Mr. Garvan Gallagher on behalf of the Summer Street North Residents Committee for use as a community garden for a term of 2 years commencing on 7<sup>th</sup> November 2014 and subject to a licence fee of €200.

This licence expired on 6<sup>th</sup> November 2016. The Area Manager has confirmed that there is no objection from an operational point of view to the licence being renewed and accordingly it is proposed to grant a further two year licence of the land at Summer Street North to Mr. Barry McGee (Mr. Downey & Mr. Garvan are no longer involved in the group) on behalf of the Summer Street North Residents Committee subject to the terms and conditions:

1. The licence shall be for a period of two years from 7<sup>th</sup> November 2016.
2. The land to be licensed which is more particularly shown outlined red and coloured pink together with an access area shown coloured yellow on Map Index No. 17505 shall be used solely as a community gardening facility.
3. The land may be used between the hours of 9am and 5pm daily during the winter months and from 9am to 9pm during the summer months.
4. The Council is entitled to terminate the licence at any time (upon giving one months notice).
5. The licence fee shall be €200.00 payable in advance upon execution of the licence.
6. The licensee shall be responsible for fully insuring the property and shall indemnify Dublin City Council against any and all claims arising from its use of the property. Public Liability Insurance in the amount of €6.5M and Employers Liability Insurance (if applicable) in the amount of €13M shall be required.
7. The licence shall be personal to the licensee and shall not be capable of transfer, sub-licence, assignment, mortgage or charge.
8. The licensee will be responsible for the maintenance and upkeep of the property and any boundary treatments.

9. Existing access rights of the residents whose properties back onto the land shall not be compromised and walkways kept clear.
10. The licensee will be responsible for ensuring that the access points to the property are secured appropriately and that the gate onto Summer Street North is kept closed.
11. The licensee must comply with the manufacturer's recommendations in the use of any chemical herbicide or pesticide and take all necessary safety precautions to ensure that the gardeners, Council staff and members of the public are not exposed to the effects of chemicals used.
12. The licensee shall comply with Health and Safety laws and exercise a "Duty of Care" towards themselves and the general public.
13. Any outgoings which may be charged on the land, such as rates, taxes etc. shall be the responsibility of the licensee.
14. The licensee shall not erect any buildings or structures whatsoever on the land.
15. The licensee shall be responsible for the removal of all weeds from the land.
16. That the licensee shall be required to sign a Deed of Renunciation in respect of the licensed area.
17. Each party shall be responsible for its own legal costs in this matter.
18. Should the property cease to be used for community gardening purposes it will revert free of charge to Dublin City Council.
19. The licence will be subject to any other terms and conditions deemed appropriate by the Council's Law Agent in Agreements of this type.

Paul Clegg

---

**Executive Manager**