

16th December 2021

**To: The Chairperson and Members of
The Central Area Committee**

Meeting: 11th January 2021

Item No. 4

**With reference to the proposed grant of a further licence of 16-18 Seán McDermott
Street, Dublin 1 to City of Dublin Education & Training Board**

In 2008, the premises 16-18 Seán McDermott Street, Dublin 1 shown outlined on Map Index No. PD2006-0171 was licensed by Dublin City Council to City of Dublin Education and Training Board (CDETb) for a period of 4 years and 9 months commencing on 12th March 2007 and subject to a licence fee of €1.00 (one euro) per annum (if demanded) provided the premises is used solely for the purposes of Educational Activities. The licence was subsequently renewed for a further similar period which expired on 11th September 2017.

At the meeting of this Committee held on 9th November 2021 was deferred pending receipt of further information.

While the letting is in the name of CDETb the building is not occupied by that body but by one of its supported community projects, known locally as Tilly's, which has operated a small education facility in 16-18 Seán McDermott Street since 2004 for after-schools groups for children who live in emergency homeless accommodation. Most of these children attend local schools. Local schools and social workers also refer children 'at risk' or with high support needs, who may not be homeless but may fit referral criteria (addiction issues within family, suspected domestic violence, parent in prison etc.).

It should be noted that while DCC has assisted with providing the premises at an abated rent of €1.00 (one euro) per annum (if demanded), the licensee has, over the years spent significant funds to improve the premises – e.g. new windows, doors, boiler, shutters, replacement of kitchens, front and back garden makeovers and roof repairs which are due to be carried out over the coming months. The carrying out of these works at the licensee's expense has had a consequent saving for the Council which would otherwise have had to bear the cost of carrying out these works.

As the group are currently over holding since 2017 it is important that their occupation be regularised and it is now proposed to grant a further licence to CDETb subject to the same terms and conditions as the expired licence and the additional terms and conditions set out below:

1. The licence shall be for a period of 6 years, commencing on 12th September 2017.
2. The proposed licensed area is the premises known as 16-18 Seán McDermott Street Upper, Dublin 1, shown outlined on Map Index No.SM2021-0663.
3. The Licence fee shall be €21,000 per annum, but abated to €1.00 (one euro) per annum, if demanded for the period 12th September 2017 to 11th September 2021 and €21,000 per annum but abated to €200 (two hundred euro) per annum, for the period

12th September 2021 to 11th September 2023, provided the area is used solely for the purposes of Educational Activities.

4. The Licensee shall be required to sign a Deed of Renunciation.
5. The licence can be terminated by either party. The CDET B shall give the Council one months' notice in writing. The Council retains the right to terminate the letting at any time whatsoever. In this regard one months' notice will be given to the licensee and such a termination shall be effected without any liability on the Council's part to reimburse or compensate the licensee in respect of any costs, outlay or expenses incurred on the licensee's part.
6. The licensee shall not assign or sublet the premises.
7. The premises shall be used for educational activities only.
8. The licensee shall take out and produce Public Liability Insurance in the sum of €6,5 million and Employer's Liability Insurance in the amount of €13 million for any one incident with a recognised Insurance Company with offices in the State and the policy shall indemnify the Council against any liability as owner of the premises.
9. The licensee will be responsible for the maintenance and upkeep of the property during the term of the licence.
10. All outgoings, including insurance and electricity, repairs and maintenance of the property shall be the responsibility of the licensee.
11. The premises shall be available for use by the licensee from 9.00am to 7.00pm Monday to Friday.
12. On termination of the licence the licensee shall at their own expense remove all materials not belonging to Dublin City Council and shall leave the property clean and cleared to the satisfaction of the City Council.
13. The licence will be subject to any other terms and conditions deemed appropriate by the Council's Law Agent.
14. Each party shall be responsible for its own legal costs in this matter.

Paul Clegg
Executive Manager