

Section 254 Licences – Outdoor Dining

Kildare County Council wishes to support businesses in the recovery period arising out of the Covid-19 Pandemic. One of the measures that the Council is anxious to support in the recovery is the use of public footpaths and/or public space for local businesses which may require the use of public footpaths/space particularly as outdoor seating areas while restrictions are ongoing. Kildare County Council wishes to advise businesses that such an activity can be permissible by our Planning Department under a Section 254 licence.

The application form and further information is available on the Council's Website and also [here](#).

To support businesses, Kildare County Council has temporarily waived the application fee in light of the current crisis.

Each application will be considered on a case by case basis. However, it is broadly envisaged that the following considerations will apply;

- The licence application must include drawings with dimensions and proposed seating/partitions.
- Applicants must demonstrate 2m of unobstructed shared space remaining on the footpath. It will be the applicant's responsibility to maintain this at all times that any furniture is in place.
- No fixed structures will be permitted.
- Applicants must indicate times the seating/structures will be on the pavement. Everything must be removed every night.
- Applicants must ensure they have public liability insurance for the area in question and indemnify Kildare County Council.
- Space outside adjoining properties could be considered, subject to written consent from the neighbouring building owner and business owner. This consent must state permitted times and what the proposal is, seating, signage, queueing, etc.
- Any business found to be extending into the 2m unobstructed space or placing signage in this area will have their licence suspended and will be requested to remove all furniture off the street.
- This licence will be granted for a limited trial period, until 30 September and can be reviewed during the period to ensure no conflicts. Businesses will need to reapply at this stage.
- All applications will be examined and decided upon on its own merits taking into consideration all other road users and their health and safety.
- We must remember the primary function of the footpath is for pedestrian and wheelchair movement and this will be determined as part of the licence process.
- Any business without a valid licence will be requested to remove all obstructions from the pavement.

Applicants should bear in mind that any semi-permanent (or permanent) structures may require planning permission. In addition, the requirements of pedestrians, particularly those who may be vulnerable or impaired, will clearly have to be taken into account.