



Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

**Dublin City Council
Control of On-Street Car Club Bye-Laws 2013.**

“Good Industry Practice” means the degree of skill, care, prudence, foresight and operating practice which would reasonably and ordinarily be expected from time to time of a skilled and experienced operator (engaged in the same type of undertaking as that of the Operator) or any sub-operator under the same or similar circumstances.

“On-street Car Club” means an organisation having, standing or plying a Car Club vehicle for hire and use of same in a public place or on a public road.

“Operator” means the operator providing the Car Club Service within the Council area. The Operator shall be responsible for, but not limited to, the day-to-day running of the service including the provision of vehicles, management, electronic booking system, indemnity, insurance and marketing.

“Public Road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies with the Council.

“Road Traffic Regulations” means the Road Traffic (Traffic and Parking) Regulations 1997 (S.I. No 182 of 1997) and Road Traffic (Signs) Regulations 1997 (S.I. No 181 of 1997).

“Service” means the provision of a Car Club vehicle for the use of Car Club members consistent with the requirements set out in these Bye-Laws.

“Vehicle” means:

- a) a passenger vehicle with passenger accommodation for not more than twelve persons excluding the driver and not drawing a trailer or other vehicle;
- b) a goods vehicle whose unladen weight does not exceed 3 tonnes and not drawing a trailer or other vehicle.

**Car Club
Operator’s
Licence**

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Part II.

- a) A Car Club Operator shall apply to the Council for a Licence to operate an on-street Car Club prior to commencing operation.
- b) A Licence shall be valid for a period of thirty six months from the date of issue.
- d) Subject to the Council being satisfied that the holder of a licence has complied with the provisions of these Bye-Laws such Operator shall have an option for a period of 2 months from the date of expiration of the licence to renew it.

- e) A Licence shall be granted only where -
- i. The applicant for it has paid the Council the licence fee of €150.
 - ii. The applicant has agreed the method of payment for on-street parking with the Council
 - iii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws.
 - iv. The applicant provides evidence of Public Liability Insurance covering the operation of the Car Club, with an indemnity limit of not less than €7m and noting an indemnity to the Council.
 - v. The applicant provides a Tax Clearance Certificate from the Revenue Commissioners on an annual basis.
- f) An Operator shall not operate or permit to be operated his/her Car Club Service without holding a current licence in respect of it.
- g) An Operator shall specify the number of vehicles to be operated under the licence and shall provide the Council with Vehicle Registration Numbers and such other details as the Council deems appropriate for the issuing of a licence.
- h) The Council may define an upper limit on the number of vehicles to be operated under any one licence.
- i) An Operator may opt to pay for on-street parking either on a Pay as You Go basis or by purchasing an annual Car Club Permit in respect of each vehicle.
- j) An Operator shall not operate or permit to be operated his/her Car Club Service except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws.
- k) The Operator shall ensure in its performance that wherever possible it uses working methods, equipment, materials and consumables which minimise environmental damage.
- l) The Operator shall lease or own all Car Club Vehicles. The model(s) used will be a commercial choice for the Operator however the Operator shall be required to justify its choice of vehicle(s) with regard to environmental performance and any other relevant criteria as defined by the Council.
- m) The Operator shall ensure that vehicles are serviced in accordance with the manufacturers recommended standards.

- n) The Operator shall ensure that vehicles are maintained to a legal and roadworthy standard, with the requisite vehicle tax and insurance in accordance with all applicable statutory requirements.
- o) The Operator shall ensure that vehicles are kept to a reasonable standard of cleanliness at all times.
- p) The Operator shall agree proposed livery on all Car Club vehicles with the Council.
- q) Repair and cleaning of Car Club Vehicles must not be carried out on-street.
- r) In providing the Car Club Service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.
- s) The Operator shall take all reasonable steps, in accordance with Good Industry Practice, to prevent any fraudulent, dishonest or corrupt activity by its staff, the Operator (including shareholders, members and directors) and/or any of the Operator's suppliers. The Operator shall notify the Council immediately if it has reason to suspect that any fraud, dishonesty or corrupt practice has occurred or is occurring or is likely to occur that would adversely affect the Council or reputation of Car Clubs.
- t) The Operator shall at all times comply with the requirements of the Health and Safety at Work Act 2005 and any other Acts, Regulations, Orders or Rules of Law pertaining to health and safety.
- u) The Operator shall assist the Council by providing any relevant information and reasonable assistance in connection with any legal proceedings in which the Council has an interest relating to the operation of Car Clubs.
- v) The Council shall in no circumstances be liable to the Operator for any indirect or consequential loss, loss of goodwill or loss of income arising from the provision of the Car Club Service.
- w) The Operator shall keep and maintain throughout the duration of the licence full and accurate records of their parking data relating to the Operator's vehicle fleet deployed within Dublin and provide access at all reasonable times to the auditors or other duly authorised staff or agents of the Council to inspect its accounts, financial systems and other such documents as the Council considers necessary in connection with the issuing of the licence.

Part III.

- a) Where an Operator opts to pay for on-street parking by purchasing an annual permit, a Car Club Vehicle Permit shall be issued to a Car Club Operator in respect of each vehicle.
- b) Setting of the fee for the issue and renewal of a Car Club Vehicle Permit shall be an Executive Function. The Council reserves the right to review the permit fee after an initial three year period.
- c) A Car Club Vehicle Permit shall be valid for a period of twelve months from the date of issue.
- d) An Operator shall not stand or cause or permit a Car Club Vehicle to be stood for hire on a public road unless the permit issued so authorises or the appropriate parking fee has been paid.
- e) A permit granted in respect of a Car Club Vehicle shall be prominently displayed in the vehicle.
- f) A Car Club Vehicle permit shall contain the following particulars:
 - 1) The words "Comhairle Cathrach Bhaile Átha Cliath" and "Dublin City Council"
 - 2) The date of expiry of the Car Club Vehicle permit
- g) Where the Council are satisfied that a valid Car Club Vehicle permit has been lost, destroyed or stolen, the Council or its agents shall issue a replacement to the Operator on payment of a fee of €10 and such replacement permit shall be substituted for the original permit and the original permit shall be cancelled.
- h) A vehicle displaying an invalid Car Club vehicle permit will be subject to parking enforcement.
- i) The Council reserves the right to revoke the permit of any Car Club Operator whose vehicle(s) display an invalid Car Club permit.

Part IV.

- a) The Council may limit the number of Car Club Vehicles to a maximum of 1000. This figure may be adjusted at the absolute discretion of the Council.

- b) In the interest of competition the Council may set an upper limit on the number of vehicles operated by any single Car Club.
- c) Car Club Vehicles shall be subject to the relevant Road Traffic Regulations and vehicles shall be parked on-street in accordance with Dublin City Council Parking Control Bye-Laws.
- d) Car Club Members shall be responsible for compliance with road traffic regulations.
- e) Car Club Operators shall be responsible for compliance with administrative and road traffic regulations when the vehicle is not being rented.
- f) Car Club Members may park in a disabled parking bay if they display a valid disabled parking permit. The vehicles may not be left in a disabled bay once the member has finished the hire of the vehicle.
- g) A Car Club Vehicle shall be of an approved standard and subject at all times to inspection from an authorised person / agent of the Council.
- h) An authorised person / agent of the Council may request any Operator or Car Club Member who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.
- i) An Operator or Car Club Member who obstructs or impedes or refuses to comply with a request of an authorised person / agent of the Council acting in the exercise of the functions conferred on an authorised person / agent of the Council by these Bye-Laws is guilty of an offence.
- j) The Council may cancel a Car Club Operator's Licence where it establishes that the Operator no longer meets the requirements for a licence to be issued in accordance with these Bye-Laws, or where it establishes that the holder has obtained the licence by the submission of falsified documentation or where the Operator is seriously or persistently in breach of these Bye-Laws.
- k) The Council may cancel a Car Club Vehicle permit where it establishes that the Operator does not hold an entitlement to the permit in accordance with these Bye-Laws, or where it establishes that the holder has obtained the permit by the submission of falsified documentation or where the Operator is seriously or persistently in breach of these Bye-Laws.

