



With reference to proposal to adopt the Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018.

At its meeting of 12th September, 2018, the Transportation Strategic Policy Committee recommended the Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018 to the City Council for adoption, following consideration of the report on the public consultation as set out hereunder.

The Draft Dublin City Council Control of On-Street Sustainable Deliveries Eco Hub Bye-Laws 2018 went to public consultation from Monday 16th July to Tuesday 14th August 2018, with submissions accepted up to 28th August 2018. The Draft Bye-Laws were advertised in the Irish Independent, and made available at the offices of the Environment and Transportation Department and on the dublincity.ie consultation page.

There were no submissions made by hand to the offices of the Environment and Transportation Department.

A total of nine submissions were made on-line to the dublincity.ie consultation page as follows:

- 7 supportive of the delivery hub initiative and Bye-Laws
- 1 supportive of the delivery hub initiative and suggesting improvements including local consultation
- 1 requesting the removal of the Wolfe Tone Street delivery hub

The submissions were reviewed and, following further consideration, a number of changes to the Draft Bye-Laws were made as follows:

All references to “Sustainable Deliveries Eco Hub” have been shortened to “Delivery Hub”. The revised title of the proposed Bye-Laws is: Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018.

Part I, Section 4 includes a clearer definition of a Delivery Hub and the requirement for it to use a mix of lower emission vehicles, electric vehicles, cycles and deliveries on foot.

Part II, Section 5(b): “The period for which a Delivery Hub licence is issued will be an Executive Function. Right to tenure of the Delivery Hub site is excluded.”

Regarding Part II, Section 5(i), restrictions on advertising and branding are added along with the need to complement the vicinity’s streetscape and take account of the sight lines of existing premises, protected structures and in areas of Architectural Conservation.

Part II, Section 5(q) includes a requirement on the Operator of the Delivery Hub to share with Dublin City the Council, free of charge, data relating to the operation of the Hub.

Part IV, Section 7(d) broadens the responsibility on Operators to comply with all bye-laws, licence and legislative requirements.

The amended Draft Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018 are attached. It is recommended that the Transportation Strategic Policy Committee propose the Draft Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018 to the City Council with a recommendation for their adoption.

The making or amending of Bye-Laws is a Reserved Function of the Members of the City Council.

Resolution:

“That Dublin City Council notes the contents of Report No. 250/2018 and hereby resolves to adopt the Control of On-Street Delivery Hub Bye-Laws 2018 as outlined in the report”.

Councillor Ciarán Cuffe
Chairperson,
12th September, 2018



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

**Dublin City Council
Control of On-Street Delivery Hub Bye-Laws
2018.**

Long title **Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018**

The Lord Mayor and Members of Dublin City Council (hereafter referred to as “The Council”) in exercise of the powers vested in them by the provisions of Part 19 of the Local Government Act, 2001 and all other enabling statutory powers hereby make the following Bye-Laws for the regulation of the operation of on-street Delivery Hubs in respect of the administrative area of Dublin City Council.

Preliminary

Part I.

Short title **1** These Bye-Laws may be cited as the Dublin City Council Control of On-Street Delivery Hub Bye-Laws 2018.

Area of application **2** These Bye-Laws apply to the administrative area of Dublin City Council.

Commencement Date **3** These Bye-Laws shall come into effect on the 5th November, 2018

Definitions **4** In these Bye-Laws:

“Agent of the Council” means any person employed by the Council or any other person authorised by the Council to carry out functions under these bye-laws.

“Authorised Person” has the meaning assigned to it by Section 103 (8) (inserted by the Road Traffic Act 1968) (No. 25 of 1968) of the Road Traffic Act, 1961.

“Council” means Dublin City Council.

“Delivery Hub” means an on-street area, the size and location of which will be determined solely by the Council, to facilitate the delivery of consolidated loads to the hub. Onward, last mile, distribution must be by means of a mix of low emission and electric vehicles, electric cycles, cycles or on foot in order to comply with the Delivery Hub License.

“Delivery Hub License” means a license issued by the Council to a Delivery Hub Operator to provide a Delivery Hub Service within the Council area and bearing a specific identification number.

“Delivery Hub Operator” means the operator providing the Delivery Hub 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, bicycles, electric bicycles, management of the hub, health & safety, indemnity, insurance and marketing.

“Delivery Hub Vehicle” means a vehicle provided for the use of a Delivery Hub. All vehicles must be Irish registered.

“Delivery Hub Vehicle Permit” means a permit issued by the Council to a Delivery Hub Operator in respect of a Delivery Hub Vehicle for the purposes of the Bye Laws and containing the particulars specified.

“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.

“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 Delivery Hub operation consistent with the requirements set out in these Bye-Laws.

“Vehicle” means a goods vehicle brought to the Delivery Hub location and used for the purpose of distributing goods. The vehicle may be removed in the evening for re-supply the following day.

Part II.

Delivery Hub Operator's Licence

- 5**
- a) A Delivery Hub Operator shall apply to the Council for a Licence to operate an on-street Delivery Hub prior to commencing operation.
 - b) The period for which a Delivery Hub licence is issued will be determined by the Council. Right to tenure of the Delivery Hub site is excluded.
 - c) A Licence shall be granted only where -
 - i. The applicant for it has paid the license fee to the Council
 - ii. Where applicable, 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 Deliveries Hub, with an indemnity limit of not less than 7 million euro and noting an indemnity to the Council.
 - v. The applicant provides a Tax Clearance Certificate from the Revenue Commissioners on an annual basis.
- d) An Operator shall not operate or permit to be operated, his/her Delivery Hub Service without holding a current licence in respect of it.
 - e) An Operator shall not operate or permit to be operated his/her Delivery Hub Service except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws.
 - f) The Operator shall ensure in its performance that wherever possible it uses working methods, equipment, materials and consumables which minimise environmental damage.
 - g) 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.
 - h) The Operator shall ensure that all vehicles and the area occupied by the Delivery Hub are kept to a reasonable standard of cleanliness at all times.
 - i) The Operator shall agree proposed livery, advertising and branding on all Delivery Hub vehicles and fixtures with the Council prior to commencing operation. The location of the Delivery Hub and all vehicles and fixtures associated with it, must complement the vicinity's streetscape and take account of the sight lines of existing premises, protected structures and in areas of Architectural Conservation.
 - j) Repair and cleaning of Delivery Hub Vehicles must not be carried out on-street.
 - k) In providing the Delivery Hub Service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.
 - l) 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 Deliveries Hubs services.

- m) 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.
- n) 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 any Delivery Hub.
- o) 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 Delivery Hub service.
- p) The Operator shall keep and maintain throughout the duration of the licence full and accurate records of their Delivery Hub operation within the Dublin City Council jurisdiction 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 license.
- q) The Operator of the Delivery Hub is obliged to share with the Council, free of charge, data relating to the operation of the Delivery Hub, including its environmental impact.

Part III.

- 6** a) Setting of the fee for the issue and renewal of a Delivery Hub license shall be an Executive Function. The Council reserves the right to review the license fee.
- b) A license granted in respect of a Delivery Hub shall be prominently displayed in a vehicle at the hub location.
- c) A Delivery Hub license shall contain the following particulars:
 - 1) The words "Comhairle Cathrach Bhaile Átha Cliath" and "Dublin City Council"
 - 2) The date of expiry of the Delivery Hub license

- d) Where the Council are satisfied that a valid Delivery Hub license 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 euro and such replacement license shall be substituted for the original license and the original license shall be cancelled.
- e) A vehicle displaying an invalid Delivery Hub license will be subject to parking enforcement.

Part IV.

- 7
 - a) The Council may limit the number of Delivery Hub licenses which is at the absolute discretion of the Council.
 - b) In the interest of competition the Council may set an upper limit on the number of Delivery Hub licenses operated by any single Delivery Hub operator.
 - c) Delivery Hub 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) Delivery Hub Operators shall be responsible for compliance with administrative and road traffic regulations and with all bye laws, licensing and legislative requirements at any and all delivery hub locations.
 - e) Delivery Hub Vehicles shall be of an approved standard and subject at all times to inspection from an authorised person/agent of the Council.
 - f) An authorised person/agent of the Council may request any Delivery Hub Operator who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.
 - g) A Delivery Hub Operator 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 and may have their licence revoked.
 - h) The Council may cancel a Delivery Hub Operator's Licence where it establishes that the Operator no longer meets the

requirements for a license 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.

- i) The Council may prescribe streets/areas where a Delivery Hub operation cannot be established and may limit the number of Delivery Hubs in operation in any specific street/area.
- j) The Council may prescribe areas where Delivery Hubs operate.

