

DCC/101709



**Dublin City Council
Control of Stationless On-Street Bicycle Hire Bye-Laws 2017.**

Long title **Dublin City Council Control of Stationless On-Street Bicycle Hire Bye-Laws 2017**

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 Stationless On-Street Bicycle Hire Services 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 Stationless On-Street Bicycle Hire Bye-Laws 2017.

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 1st December 2017.

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" means a person who is authorized in writing by the Council for the purposes of Section 204 of the Local Government Act 2001 or a member of An Garda Siochana. .

"Bicycle" means: a pedal bicycle which is intended or adapted for propulsion solely by the physical exertion of a single person seated thereon.

"Bicycle Permit" means a permit in respect of a Bicycle issued by the Council to the Operator.

"Council" means Dublin City Council

"Fixed payment notice" is the notice provided for in Part IV of these Bye Laws for the purposes of Section 206 of the Local Government Act, 2001.

"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 provision of the Service.

"Licence" means a licence issued by the Council to an Operator to provide the service within the Council area and bearing a specific identification number.

"Operator" means the operator of the 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 bicycles, 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 Acts" means the Road Traffic Acts 1961-2016 as amended to from time to time and all regulations made there under.

"Service" means the provision, within the administrative area of the Council in accordance with the requirements of these Bye Laws, of a bicycle for stationless on-street hire.

"Stationless On-Street Bicycle" means a bicycle provided for the use of Stationless On-Street Bicycle Hire Members.

"Stationless On-Street Bicycle Hire Company" means an organisation having, standing or plying a Stationless On-Street Bicycle for hire and use of same in a public place or on a public road.

"User" means someone who has completed all the necessary procedures and is currently authorised by the Operator to access and use a Stationless On-Street Bicycle

Part II.

Stationless On-Street Bicycle Hire Operator's Licence **5**

- a) An Operator shall apply to the Council for a Licence to operate a Stationless On-Street Bicycle Hire service prior to commencing operation.

- b) A Licence shall be valid for an initial period of twelve months and shall subject to satisfactory compliance with these Bye-Laws and licensing conditions be renewable thereafter every 36 months.
- c) Subject to the Council being satisfied that the Operator has complied with the provisions of these Bye-Laws such Operator shall have an option for a period of two (2) months from the date of expiration of the licence to renew it.
- d) A Licence shall be granted only where -
 - i. The applicant for it has paid the Council the licence fee of €200 per annum.
 - ii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws
 - iii. The applicant provides evidence on an annual basis of Public Liability Insurance covering the operation of the service, with an indemnity limit of not less than € 7 Million and expressly indemnifying the Council.
 - iv. The applicant provides a Tax Clearance Certificate from the Revenue Commissioners on an annual basis.
- e) An Operator shall not operate or permit to be operated a service without holding a current licence in respect of it.
- f) The Council shall, by Executive Order, specify the number of bicycles to be operated under the licence and the Operator shall provide the Council with Bicycle Identification Numbers and such other details as the Council deems appropriate for the issuing of a licence.
- g) The Council may, by Executive Order, define an upper limit on the number of bicycles to be operated under any one licence.
- h) An Operator shall pay for a bicycle permit for each bicycle for hire.
- i) An Operator shall not operate or permit to be operated a service except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws.
- j) The Operator shall ensure in its provision of the service that wherever possible it uses working methods, equipment, materials and consumables which minimise environmental damage.
- k) The Operator shall lease or own all bicycles. The model(s) used will be a choice for the Operator, however the Operator

shall ensure the bicycles are in compliance with the Road Traffic Acts, are roadworthy and meet any other relevant criteria as defined by the Council.

- l) The Operator shall ensure that bicycles are serviced and maintained in accordance with best practice and recommended standards, are legal and roadworthy, and comply with all applicable statutory requirements.
- m) The Operator shall ensure that bicycles are kept to a reasonable standard of cleanliness at all times.
- n) The Operator shall agree proposed livery on all bicycles with the Council. No advertising for alcohol products will be permitted on bicycles
- o) Repair and cleaning of bicycles must not be carried out on-street.
- p) In providing the service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.
- q) 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, staff 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 the reputation of Stationless On-Street Bicycle Hire Services.
- r) 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.
- s) 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 Stationless On-Street Bicycle Hire Services.
- t) 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 service.
- u) The Operator shall keep and maintain throughout the duration of the licence full and accurate records of their

journey data relating to the service and shall share same with the Council and also provide access at all reasonable times to duly authorised staff or agents of the Council to anonymised journey data and to inspect its operational systems and other such documents as the Council considers necessary in connection with the issuing and the operation of the licence.

- v) Where the Council decides to refuse to grant a Licence or revoke an existing Licence the affected Operator may appeal that decision to the Executive Manager in the Council's Environment and Transport Department. No further appeal will be accepted.

Part III.

Bicycle Permit 6

- a) A bicycle permit fee for each on-street stationless bicycle shall be paid in respect of each bicycle.
- b) The setting of the fee for the issue and renewal of a Bicycle Permit shall be an Executive Function. The Council reserves the right to review the permit fee after an initial three year period.
- c) A Bicycle 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 Bicycle to be stood for hire/parked on a public road/footpath unless it holds a valid bicycle permit in respect of that bicycle.

Part IV.

Miscellaneous 7

- a) The Council may limit the overall number of Stationless On-Street Hire Bicycles in the City. This figure may be adjusted at the absolute discretion of the Council. The setting of the overall number shall be an Executive function.
- b) The Council may, by Executive Order, set an upper limit on the number of bicycles operated by any single Operator.
- c) Bicycles shall be subject to the relevant Road Traffic Acts and bicycles shall be parked on-street in accordance with Licence conditions and not in such a manner as creates a danger to pedestrians or other road users. Bicycles found to be so parked shall be deemed to be in breach of licensing conditions and shall be subject to immediate removal under Section 71 of the Roads Act 1993. The Operator will be responsible for all removal and storage charges.

- d) Users of the service shall be responsible for compliance with all Road Traffic Acts.
- e) Operators shall be responsible for compliance with all Road Traffic Acts when the bicycle is not being rented.
- f) Bicycles shall be of an approved standard and subject at all times to inspection by an Authorised Person / agent of the Council.
- g) An Authorised Person / agent of the Council may request any Operator or User who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.
- h) An Operator or User who has contravened a provision of these Bye-Laws, or 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 be issued with a Fixed payment notice in the amount of €75.
- i) The Council may cancel a 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 Operator has obtained the licence by the submission of falsified documentation or where the Operator is seriously or persistently in breach of these Bye-Laws.
- j) The Council may cancel a bicycle 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 Operator has obtained the permit by the submission of falsified documentation or where the Operator is seriously or persistently in breach of these Bye-Laws.
- k) The Council may, as a condition of granting a licence, proscribe streets/areas where Stationless On-Street Hire Bicycles should or should not be deployed, where they cannot park and also may limit the number of Stationless On-Street Bicycle Hire bicycles parked in any specific street/area.

PART V.

Enforcement 8

- a) A person who contravenes any provision of these Bye-Laws shall be guilty of an offence under section 205 of the Local Government Act 2001 and shall be liable on summary conviction to a fine not exceeding €1,904.60.
- b) Where a contravention of a provision of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €126.97 per day under section 205(2) of the Local Government Act 2001.
- c) If any person contravenes any provision of these Bye-laws, the Council may, pursuant to Section 206(1) of the Local Government Act 2001, serve on such person a Fixed Payment Notice (see Third Schedule hereto), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment shall be €75 and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice for such person to avoid a prosecution.
- d) Notice of the Fixed Payment (as described in subsection c) shall be in the general form of the notice set out in the Schedule of these Bye-Laws.
- e) Any person served with a Fixed Payment Notice is entitled to defend a prosecution of the alleged contravention in court.
- f) An authorised person may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to refrain from such contravention.
- g) Where an authorised person is of the opinion that a person is committing or has committed an offence to which this section relates, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence under section 204(3)(b) of the said 2001 Act.
- h) A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the

functions conferred on an authorised person by Part 19 of the Local Government Act 2001 shall be guilty of an offence under section 204(3)(a) of the said 2001 Act.

- i) A person who is convicted of an offence under section 204(3) of the said 2001 Act shall be liable on summary conviction to a fine not exceeding €1,904.60.

SCHEDULE

Dublin City Council
CONTROL OF STATIONLESS ON-STREET BICYCLE HIRE BYE-LAWS 2017
FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT, 2001 (BYE-LAW NUMBER 9C)

NAME OF LOCAL AUTHORITY: Dublin City Council

To: Name: _____
 Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part 19 of the Local Government Act, 2001 entitled DUBLIN CITY COUNCIL CONTROL OF STATIONLESS ON-STREET BICYCLE HIRE BYE-LAWS 2017

by
.....

.....
(in general terms specify nature of contravention) at

.....

on During this period of 21 days beginning on the date of this notice you may pay the sum of €75, accompanied by this notice, at the offices of the local authority named in this notice located at..... .

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time.

Signed Date
(Authorised Person)

IMPORTANT: **Payment will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to – Dublin City Council.**

A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

TG

Present when the Seal of
Dublin City Council was
affixed hereto

Sarah Murphy
CIVIC OFFICES
DUBLIN
CITY COUNCIL OFFICIAL

This 23 day of 11 2017

Sharon P. Keegan
CHIEF EXECUTIVE OF
DUBLIN CITY COUNCIL

