



DRAFT

**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 on-street 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 XX XXXXX 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” 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, 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.

“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.

“Operator” means the operator 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.

“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.

“Member” 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.

“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.

Part II.

- 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, subject to satisfactory compliance with these Bye-Laws and licensing conditions, shall be renewable thereafter every 36 months.
- 5 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 annual

Stationless On-Street Bicycle Hire Operator's Licence

licence fee of €200.

- ii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws.
 - iii. The applicant provides evidence of Public Liability Insurance covering the operation of the service, with an indemnity limit of not less than €7m 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) An Operator shall specify the number of bicycles to be operated under the licence and 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 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 performance 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 commercial choice for the Operator, however the Operator shall ensure the bicycles 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.
 - m) The Operator shall ensure that bicycles are maintained to a legal and roadworthy standard and comply with all applicable statutory requirements.
 - n) The Operator shall ensure that bicycles are kept to a reasonable standard of cleanliness at all times.
 - o) The Operator shall agree proposed livery on all bicycles with the Council.

- p) Repair and cleaning of bicycles must not be carried out on-street.
- q) In providing the service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.
- r) 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 Stationless On-Street Bicycle Hire Services.
- s) 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.
- t) 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.
- u) 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.
- v) 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 inspect its operational systems and other such documents as the Council considers necessary in connection with the issuing of the licence.

Part III.

- a) A bicycle permit fee for each on-street stationless bicycle shall be paid in respect of each bicycle.
- b) 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.

Bicycle Permit

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- 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 on a public road/footpath unless a permit has issued in respect of that bicycle.

Part IV.

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- 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 set an upper limit on the number of bicycles operated by any single Operator.
- c) Bicycles shall be subject to the relevant Road Traffic Regulations and bicycles shall be parked on-street in accordance with Dublin City Council guidelines 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) Members of the service shall be responsible for compliance with all road traffic regulations.
- e) Operators shall be responsible for compliance with administrative and road traffic regulations when the bicycle is not being rented.
- f) Bicycles shall be of an approved standard and subject at all times to inspection from an authorised person / agent of the Council.
- g) An authorised person / agent of the Council may request any Operator or Member who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.
- h) An Operator or 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 and may be issued with a fixed payment notice

- 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 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 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
- k) The Council may, as a condition of granting a licence prescribe streets/areas where Stationless On-Street Hire Bicycles should be deployed, where they cannot park and also may limit the number of Stationless On-Street Hire Bicycles parked in any specific street/area.

**Present when the Seal of
Dublin City Council was
affixed hereto**

This day of

2017