



Draft
Dublin City Council
Control of On-Street Sustainable Deliveries Eco Hub Bye-Laws 2018.

Long title

Dublin City Council Control of On-Street Sustainable Deliveries Eco 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 Sustainable Deliveries Eco 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 Sustainable Deliveries Eco 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 XXXX, 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.

“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 Sustainable Deliveries Eco Hub Operator” means the operator providing the Sustainable Deliveries Eco 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 eco hub, health & safety, 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 Sustainable Deliveries Eco Hub operation consistent with the requirements set out in these Bye-Laws.

“Sustainable Deliveries Eco Hub Licence” means a licence issued by the Council to a Sustainable Deliveries Eco Hub Operator to provide a Sustainable Deliveries Eco Hub Service within the Council area and bearing a specific identification number.

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

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

“Vehicle” means:

- a) A goods vehicle brought to the Sustainable Deliveries Eco 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.

Sustainable Deliveries Eco Hub Operator’s Licence

- 5 a) A Sustainable Deliveries Eco Hub Operator shall apply to the Council for a Licence to operate an on-street Sustainable Deliveries Eco Hub prior to commencing operation.
- b) A Licence shall be valid for a period of thirty six months from the date of issue.
- c) 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.
- d) A Licence shall be granted only where -
 - i. The applicant has paid the licence fee to the Council.
 - 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 Sustainable Deliveries Eco Hub, 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.
- e) An Operator shall not operate or permit to be operated his/her Sustainable Deliveries Eco Hub Service without holding a current licence in respect of it.
 - f) An Operator shall not operate or permit to be operated his/her Sustainable Deliveries Eco Hub Service except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws.
 - g) The Operator shall ensure in its performance that wherever possible it uses working methods, equipment, materials and consumables which minimise environmental damage.
 - h) 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.
 - i) The Operator shall ensure that all vehicles and the area occupied by the Eco Hub are kept to a reasonable standard of cleanliness at all times.
 - j) The Operator shall agree proposed livery on all Sustainable Deliveries Eco Hub vehicles with the Council.
 - k) Repair and cleaning of Sustainable Deliveries Eco Hub Vehicles must not be carried out on-street.
 - l) In providing the Sustainable Deliveries Eco Hub Service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.
 - m) 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 Sustainable Deliveries Eco Hubs

services.

- n) 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.
- o) 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 Sustainable Deliveries Eco Hub.
- p) 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 Sustainable Deliveries Eco Hub Service.
- q) The Operator shall keep and maintain throughout the duration of the licence full and accurate records of their Sustainable Deliveries Eco 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 licence.

Part III.

- 6 a) Setting of the fee for the issue and renewal of a Sustainable Deliveries Eco Hub licence shall be an Executive Function. The Council reserves the right to review the licence fee after an initial three year period.
- b) A licence granted in respect of a Sustainable Deliveries Eco Hub shall be prominently displayed in a vehicle at the eco hub location.
- c) A Sustainable Deliveries Eco Hub licence shall contain the following particulars:
 - 1) The words “Comhairle Cathrach Bhaile Átha Cliath” and “Dublin City Council”
 - 2) The date of expiry of the Sustainable Deliveries Eco Hub licence

- d) Where the Council are satisfied that a valid Sustainable Deliveries Eco Hub licence 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 licence shall be substituted for the original licence and the original licence shall be cancelled.
- e) A vehicle displaying an invalid Sustainable Deliveries Eco Hub licence will be subject to parking enforcement.

Part IV.

- 7**
- a) The Council may limit the number of Sustainable Deliveries Eco Hub licences at the absolute discretion of the Council.
 - b) In the interest of competition the Council may set an upper limit on the number of Sustainable Deliveries Eco Hub licences operated by any single Sustainable Deliveries Eco Hub operator.
 - c) Sustainable Deliveries Eco 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) Sustainable Deliveries Eco Hub Operators shall be responsible for compliance with administrative and road traffic regulations at any and all eco hub locations.
 - e) Sustainable Deliveries Eco 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 Sustainable Deliveries Eco Hub Operator who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.
 - g) A Sustainable Deliveries Eco 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 Sustainable Deliveries Eco Hub 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.
- i) The Council may prescribe streets/areas where a Sustainable Deliveries Eco Hub operation cannot be established and may limit the number of Sustainable Deliveries Eco Hubs in operation in any specific street/area.
- j) The Council may prescribe areas where Sustainable Deliveries Eco Hubs operate.

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

This day of 2018