



Dún Laoghaire-Rathdown
County Council Comhairle Contae
Dhún Laoghaire-Ráth an Dúin

COMHAIRLE CONTAE DHÚN LAOGHAIRE - RÁTH AN DÚIN
DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
CONTROL OF STATIONLESS ON-STREET BIKE HIRE BYE-LAWS 2018

OCTOBER 2018



**DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
CONTROL OF STATIONLESS ON-STREET BIKE HIRE BYE-LAWS 2018**

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Dún Laoghaire-Rathdown County Council (hereinafter referred to as “the Council”) in exercise of the powers vested in it by the provisions of Part 19 of the Local Government Act 2001 and all other enabling statutory powers, hereby makes the following Bye-Laws for the regulation of the operation of stationless on-street bike hire in respect of its administrative area.

**Part I
Preliminary**

- | | | |
|----------------------------|----------|--|
| Citation | 1 | These Bye-Laws may be cited as the Dún Laoghaire-Rathdown County Council Control of Stationless On-Street Bike Hire Bye-Laws 2018. |
| Commencement Date | 2 | These Bye-Laws shall come into operation on the _____ of _____, 2018. |
| Area of application | 3 | These Bye-Laws apply to the administrative area of Dún Laoghaire-Rathdown County Council. |
| Interpretation | 4 | <p>In these Bye-Laws:</p> <p>“the Council” means Dún Laoghaire-Rathdown County Council;</p> <p>“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 and/or statutory legislation;</p> <p>“authorised person” means a person appointed by the Chief Executive of the Council, to be an authorised person for the purposes of these Bye-Laws;</p> <p>“applicant” means a company or body corporate, eligible to make formal application to the Council for a stationless on-street bike hire licence or permit, where such a company or body corporate has made such an application;</p> <p>“operator” means the organisation providing the stationless on-street</p> |



bike hire service within the Council area, which operator shall be responsible for, *inter alia*, the day-to-day running of the service including the provision of bikes, management of the stationless on-street bike hire service, electronic booking system, indemnity, insurance and marketing;

“stationless on-street bike hire licence” means a licence issued by the Council to a stationless on-street bike hire operator for the provision of a stationless on-street bike hire service within the Council’s administrative area and bearing a specific identification number;

“stationless on-street bike hire member” means someone who has completed the necessary procedures and is, at that time, authorised by the Operator to access and use a stationless on-street bike;

“stationless on-street bike” means a pedal bike which is intended or adapted for propulsion solely by the physical exertion of a single person seated thereon. This shall include pedal assisted electric bikes;

“stationless on-street bike hire permit” means a permit issued by the Council to an Operator in respect of a stationless on-street bike for the purposes of the Bye Laws, and containing the particulars specified;

“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 the provision of the service or the same type of undertaking as that of the operator) or any sub-operator under the same or similar circumstances;

“on-street stationless on-street bike hire company” means an organisation having, standing or plying a stationless on-street bike hire bike for hire and use of same, in a public place, or on a public road;

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



"the Road Traffic Acts" means the Road Traffic Acts 1961-2016, as amended from time to time, and regulations made there under;

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

"service" means the provision of a stationless on-street bike hire bike for the use of stationless on-street bike hire members, consistent with the requirements set out in these Bye-Laws;

Part II.

Stationless On-Street Bike Hire Operator's Licence

Applying for an Operator Licence 5

- (a) An applicant shall apply to the Council for a licence to operate an on-street stationless on-street bike hire service, and be granted such a licence by the Council, prior to commencing operation;
- (b) A licence shall be valid for an initial period of twelve months and, subject to the Council being satisfied with the operator's compliance with these Bye-Laws and licensing conditions, shall be renewable thereafter every twenty four months, or such shorter period as may be deemed appropriate in the absolute discretion of the Council;
- (c) Subject to the Council being satisfied that the operator has complied with the provisions of these Bye-Laws, such an operator shall have an option for a period of two months, from the date of expiration of the licence to renew it;
- (d) A stationless on-street bike hire licence shall be granted only where the following conditions have been met by the operator:-
 - i. The applicant for it has paid the Council the licence fee



- of €100 per annum. This fee shall be determined from time to time by Council. The determination of the licence fee shall be a reserved function.
- ii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws and other licensing requirements.
 - iii. The applicant has provided evidence of public liability insurance (the minimum indemnity limit of which shall be at least €6.4 million but may be increased by the Council from time to time) and employer's liability insurance (the minimum indemnity limit of which shall be at least €13 million but may be increased by the Council from time to time) covering the operation of the stationless on-street bike hire, expressly indemnifying the Council. The determination of the minimum indemnity limits set out in these Bye-Laws shall be an executive function.
 - iv. The applicant shall be tax compliant, and shall accordingly submit a tax clearance access number and tax reference number, to facilitate on-line annual verification of its tax status;
- (e) An operator shall not operate, or permit to be operated, its Stationless on-street bike hire service without holding a current stationless on-street bike hire licence in respect of that service. A permit shall also be required for each stationless on-street bike;
- (f) The operator shall provide the Council with a bike registration number and such other details as the Council shall deem appropriate, in respect of each bike, before, and in order to ensure, the issue of a stationless on-street bike hire licence;
- (g) The maximum number of bikes to be operated under any license is 200. This figure may be adjusted at the absolute discretion of the Council. The definition of any adjustment shall be a reserved function;
- (h) An operator shall not operate, or permit to be operated, its stationless on-street bike hire service, other than in accordance with the terms of the stationless on-street bike hire licence

applicable to it and the provisions of these Bye-Laws;

- (i) An operator shall lease, or own, all stationless on-street bike. The model(s) used will be a choice for the Operator, however the Operator shall ensure the bikes are in compliance with the Road Traffic Acts, are roadworthy and meet any other relevant criteria as defined by the Council;
- (j) An operator shall ensure that bikes are serviced in accordance with best practice and the manufacturers recommended standards;
- (k) An operator shall ensure that bikes are maintained to a roadworthy standard;
- (l) The operator shall ensure that bikes are kept to a reasonable standard of cleanliness at all times. Only basic repairs or basic cleaning of bikes are permitted to be carried out on-street and where sufficient footway width exists at all times;
- (m) All livery (including advertising) on an operator's stationless on-street bikes shall be agreed by the operator with the Council, with a minimum of two weeks' notice, in writing. No advertising for alcohol products will be permitted on bike;
- (n) In providing a stationless on-street bike hire service, an operator shall ensure that it is complying with all applicable legislation and with good industry practice;
- (o) 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 bike hire or if notified by An Garda Síochána;
- (p) 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 license;

- (q) An 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;
- (r) 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 bike hire service;
- (s) The Council shall, in no circumstances, be liable to an operator for any indirect or consequential loss, loss of goodwill, or loss of income, arising from the provision of a stationless on-street bike hire service;
- (t) The Operator shall comply with all requirements of data protection law and such guidelines as may be issued by the Data Protection Commissioner from time to time including but not limited to (i) the Data Protection Acts 1988 and 2003; and (ii) all EU requirements arising (including but not limited to provisions relating to the processing of data, ensuring the security of data and restrictions on transfer of data abroad) and any legislation and regulations implementing same.

Part III.

Stationless on-street bike hire permit

Applying for a stationless on-street bike hire permit

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- (a) An operator shall apply to the Council for a permit for each bike used as part of a stationless on-street bike hire, and, if granted such a permit, shall pay an annual fee of €50 per permit. This fee shall be reviewed from time to time by the Executive of the Council, but its variation shall be a reserved function;



- (b) A stationless on-street bike hire permit shall be valid for a period of twelve months from the date of issue, unless otherwise indicated by the Council, and the variation of the period of validity of such a permit shall be a reserved function;
- (c) A permit granted in respect of a stationless on-street bike shall allow to a bike to be parked at a cycle parking stand and the number be prominently displayed on the bike;
- (d) An operator shall not stand a bike, or cause a bike to stand, or permit a bike to stand, for hire, on a public road or designated cycle parking space, unless a permit issued under this Bye-Law so authorises the said standing of the bike;
- (e) Where the Council is satisfied that a stationless on-street bike hire permit has been lost, destroyed or stolen, the Council, or its agents, shall issue a replacement to the relevant operator on payment of such fee as may be determined by the Council, and such replacement permit shall be substituted for the original permit, and the original permit shall be cancelled. The setting of the replacement fee for a stationless on-street bike hire permit shall be a reserved function but shall be notified to the operator, in any event, at the time of issue of the original stationless on-street bike hire permit;
- (f) The Council may cancel a stationless on-street bike hire 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 or refuses persistency to comply with a request of an agent of the Council or an authorised person;
- (g) The Council reserves the right to revoke the licence of an operator whose stationless on-street bike display(s) an invalid stationless on-street bike hire permit number.

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Part IV
Stationless on-street bike hire requirements

- (a) Bikes shall be subject to the relevant Road Traffic Acts and Bikes shall be parked on-street in accordance with Licence conditions and shall be parked vertically at a Cycle Stand. Bikes that are parked in such a manner as creates a danger to pedestrians or other road users 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;
- (b) A stationless on-street bike shall be of an approved standard and subject, at all times, to inspection by an authorised person. An operator shall ensure in its performance that, wherever possible, it uses working methods, equipment, materials and consumables that minimize environmental damage;
- (c) The Council, an authorised person or any agent of the Council, may request an operator or stationless on-street bike hire member, who appears to be contravening, or to have contravened, a provision of these Bye-Laws, to refrain from the contravening activity;
- (d) The Council may cancel a stationless on-street bike hire licence where it believes that the operator no longer meets the requirements for a stationless on-street bike hire 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 or refuses persistency to comply with a request of an agent of the Council or an authorised person;

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Part V
Enforcement

- (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.



Dún Laoghaire-Rathdown
 County Council Comhairle Contae
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SCHEDULE
DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
CONTROL OF ON-STREET STATIONLESS ON-STREET BIKE HIRE BYE-LAWS 2018

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT 2001

Name of Local Authority **Dún Laoghaire Rathdown County 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 **Dún Laoghaire Rathdown County Council Control of On-Street Stationless on-street bike hire Bye-Laws 2018**

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)



Dún Laoghaire-Rathdown
County Council Comhairle Contae
Dhún Laoghaire-Ráth an Dúin

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 – Dún Laoghaire Rathdown County Council

A receipt will be given.

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

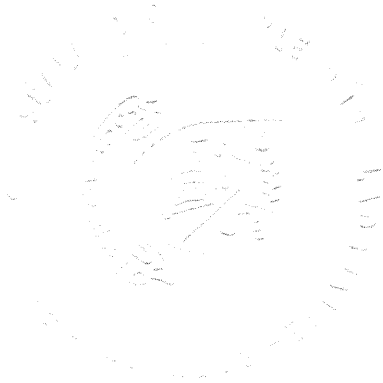


Dún Laoghaire-Rathdown
County Council Comhairle Contae
Dhún Laoghaire-Ráth an Dúin

Present when the Seal of

Dún Laoghaire-Rathdown County Council
was affixed hereto:

This 9th day of May 2019



Cathaoirleach na Chomhairle Contae
Dhún Laoghaire-Ráth an Dúin

Approved Officer

County Council Official
County Hall, Dún Laoghaire