

**Dún Laoghaire-Rathdown County Council  
Municipal Services Department**



**Control of On-Street Car Club  
Bye-Laws 2019  
Report further to  
Public Consultation**



**Report to the Dundrum and  
Dún Laoghaire Area Committees  
January /February 2019**

## Introduction

Dún Laoghaire Rathdown County Council, in partnership with GoCar, introduced a pilot car club in the County in October 2016. Under the agreement with Gocar, Dún Laoghaire-Rathdown County Council allocated a number of car parking spaces to the pilot (Gobases) and Gocar provided dedicated vehicles in each of the car parking spaces. A car club is a member-based organisation that provides access to pay-as-you-drive vehicles for short term hire. Car club vehicles are available for hire on an hourly or daily basis, 24 hours a day, 7 days a week and cars are returned to their original base after each use.

In accordance with Statutory Instruments No. 325/2014 Road Traffic (Traffic and Parking) (Car Clubs and Electrically Powered Vehicles) Regulations 2014 and No. 330/2014 Road Traffic (Signs) (Amendment) Regulations 2014, a number of parking bays were marked for Gocar vehicles (Gobases), as follows using the with text, 'Car Club Only';

<b><i>Dundrum Area</i></b>	<b><i>Dún Laoghaire Area</i></b>
Bray Road, Cabinteely Village 1no (near the EV charge point)	Blackrock Dart Station 2no. (near EV charge point and the Dart)
Dundrum Public car park 1no (near the Town Centre and Luas)	Dún Laoghaire - Crofton Road 2no, (short distance from the Dart)
Carmanhall Road, Sandyford (2no) (near Beacon South Quarter)	Haddington Terrace 1no. (near Hotel and Lexicon)
	Ardeevin Road, Dalkey 1no (short distance from the Dart)

Gobases also exist at a number of private locations in the County including at UCD, Cherrywood, Honeypark and Sandyford.

## **Usage to Date**

Usage to date of the car club pilot has been good throughout the County with high usage observed in Sandyford and Blackrock. Surveys carried out by Gocar show that 80% of users do not own a car. Over 60% of Gocar users travel by public transport at least once a week and 50% cycle at least once a week.

## Council Policy

The proposed scheme is in accordance with the objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022. The relevant objectives include the following:

### **2.2.9.5 Policy ST23: Car Clubs**

It is Council policy to support the set up and operation of Car Club schemes to facilitate an overall reduction in car journeys and car-parking requirements. Low cost initiatives such as the introduction of car clubs (short term car hire, similar in concept to public bike hire scheme) to reduce the need to own a car will be encouraged throughout the County.

#### **Preparation of bye-laws**

Dún Laoghaire-Rathdown County Council, in exercise of its powers vested in them by the provisions of Section 199 of the Local Government Act, 2001 (See Appendix A) and all other enabling statutory powers, has prepared bye-laws for the regulation of the operation of car clubs in the County and has prepared draft bye-laws. These draft bye-laws cover the issuing of a licence for Operators and provide for a permit fee for each car club vehicle in addition to specifying certain minimum standards for Operators.

#### **Public Consultation**

A Public Consultation process was carried out on the bye-laws in line with requirements set out in Section 199 of the Local Government Act, 2001.

A number of presentations were made on car share/car clubs in recent years to the Dún Laoghaire and Dundrum Area Committees (Municipal Services) and to the Transportation and County Wide Movement Strategic Policy Committee. A draft of the bye-laws titled, 'Draft Control of On-street Car Club Bye-laws 2018' was brought to the Area Committees on the following dates;

- Dún Laoghaire Area Committee (Municipal Services) – October 22<sup>nd</sup>, 2018
- Dundrum Area Committee (Municipal Services) – November 5<sup>th</sup>, 2018

The amended bye-laws were then brought to a full County Council meeting on November 12<sup>th</sup>, 2018 and approval was given by Members to proceed to public consultation on the draft bye-laws.

Details of the draft bye-laws were made available on the dlr Consultation Online Hub on November 14<sup>th</sup>, 2018 at <https://dlrcoco.citizenspace.com/transportation/draft-control-of-on-street-car-club-bye-laws-2018-1/> where members of the public could complete an online survey on the draft bye-laws.

The public consultation process was promoted through twitter and Facebook. Copies of the bye-laws were also available at the Dundrum Area Office and at County Hall.

Submissions and observations with respect to the draft bye-laws were invited to be made to the Traffic & Road Safety Section. The closing date for receipt of submissions and observations was 4.00pm on December 13<sup>th</sup>, 2018.

One submission was received through the dlr Consultation Online Hub survey form and 58 submissions were received by email to [info@dlrcoco.ie](mailto:info@dlrcoco.ie) during this period. The majority of submissions were from persons living in the County and one submission was from a car club operator. Of the 59 submission, 58 were supportive of introducing the car club bye-laws. An analysis of the submissions shows that most of the trips made by Gocar users were for shopping, family visits, doctor's visits and trips to sports activities.

### **Summary of Key Issues Raised in Submissions**

The following is a summary of the key issues raised with respect to the bye-laws that went on public display and the Council's response to each issue.

#### **Issue 1**

98% of submissions expressed support for Gocar, the current car club operator.

#### ***Response:***

The support is noted and no changes are proposed to the draft bye-laws.

#### **Issue 2**

One submission expressed concern with Gocar over the lack of adequate maintenance for the cars.

#### ***Response:***

This is matter for the Operator and no changes are proposed to the draft bye-laws.

#### **Issue 3**

A request was made to review the proposed cost of the car club permit fee of €1000, as set out in the draft bye-laws. A permit fee of €400 was suggested in the submission.

***Response:***

Having reviewed the submission, a permit fee of €500 is proposed and the draft bye-laws will be amended accordingly.

**Issue 4**

A submission suggested that parking areas for car club vehicles should not be too limited as it may reduce the availability and usage of such vehicles in the County,

***Response:***

The suggestion is noted and no changes are proposed to the draft bye-laws. Car club vehicles will be encouraged to set up their bases on non-residential roads where possible. In addition, any issues with the parking of car club vehicles on any road will be addressed on a case by case basis.

**Conclusion**

A public consultation on the draft Control of On-street Car Club Bye-laws 2018 took place from November 14<sup>th</sup>, 2018 to December 13<sup>th</sup>, 2018 with 59 submissions received. Arising from the submissions, one change is proposed to the draft bye-laws with the annual cost of a car club vehicle permit to be set at €500.

This report is being distributed to Dundrum and Dún Laoghaire Area Committee (Municipal Services) Councilors for noting. Following this the draft bye-laws will be brought to a meeting of the full County Council for approval, or otherwise, by the Members.

## Appendix A Local Government Act, 2001 Section 199

Power to make bye-law. **199.**—(1) Subject to *subsection (7)*, a local authority may make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter.

(2) (a) Subject to this subsection and *subsection (7)*, a local authority may make a bye-law where in its opinion it is desirable in the interests of the common good of the local community—

(i) that any activity or other matter should be regulated or controlled by bye-law, or

(ii) that any nuisance should be controlled or suppressed by bye-law.

(b) A bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

(3) Any bye-law may include such provisions as the local authority considers appropriate for its effective application, operation and enforcement and generally to achieve the purposes for which it is made, including—

(a) its application at all times or at specified times;

(b) its application throughout the functional area of the local authority or in any specified part of that functional area;

(c) the prohibition of any activity, matter or thing;

(d) the prescription of specified standards or requirements for, or in relation to, specified activities, matters or things;

(e) the exception of classes of persons or things from the bye-law either subject to or without compliance with specified conditions;

(f) the conduct of persons at specified places or in specified circumstances;

(g) the issue of licences or other authorisations by the local authority subject to or without condition and to have effect permanently or for a specified period;

(h) the payment of a fee or charge at a specified time by any person in respect of any specified matter governed by a bye-law;

(i) the specification of a fine for a contravention of a specified provision of a bye-law as provided by *section 205* ;

(j) the specification of a fixed payment as an alternative to a prosecution for a contravention of a specified provision of a bye-law as provided for by *section 206* .

(4) (a) A local authority may, subject to this Part, amend any bye-law made by it.

(b) A local authority may revoke any bye-law made by it with effect from such day as is specified in the resolution.

(5) The approval of a draft bye-law, the consideration of submissions in relation to such draft bye-law and the making, amendment or revocation of a bye-law, are each reserved functions.

(6) The power of a local authority to make a bye-law in respect of its functional area includes a power to make a bye-law in respect of the foreshore and of coastal waters adjoining that functional area and with the agreement of any other local authority, of the coastal waters adjoining the functional area of that other local authority.

(7) The appropriate Minister may by regulation prescribe matters or classes of matters in respect of which local authorities are not entitled to make a bye-law.

(8) (a) Where, for given reasons, the appropriate Minister considers that a bye-law or any provision of it is objectionable and so notifies the local authority in writing then, if the local authority does not revoke or amend the bye-law in conformity with the notice, that Minister may by order under this subsection do so with effect from a specified day.

(b) *Section 4 (4)(c)* applies to an order made under *paragraph (a)*.