



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

COMHAIRLE CONTAE DHÚN LAOGHAIRE - RÁTH AN DÚIN

DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

**DRAFT DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
CONTROL OF ON-STREET CAR CLUB BYE-LAWS, 2018**

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CONTROL OF ON-STREET CAR CLUB 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 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 Car Clubs in respect of the administrative area of Dún Laoghaire-Rathdown County Council.

**Part I
Preliminary**

Citation **1** These Bye-Laws may be cited as the Dún Laoghaire-Rathdown County Council Control of On-Street Car Club 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** In these Bye-Laws:

“Council” means Dún Laoghaire-Rathdown County Council.

“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.

“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.

“Applicant” means a company eligible to make formal application to the Council for a car club licence or Permit.

“Car Club Licence” means a licence issued by the Council to a Car Club Operator to provide a Car Club Service within the Council area and bearing a specific identification number.

“Car Club Member” means someone who has completed all the necessary procedures and is currently authorised by the Operator to access and use a Car Club vehicle.

“Car Club Vehicle” means a vehicle provided for the use of Car Club members. All vehicles must be Irish registered.

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

“Disabled persons parking permit” means a permit granted in accordance with Article 43 of the Road Traffic Regulations of 1997.

“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 Car Club” means an organisation having, standing or plying a Car Club vehicle for hire and use of same in a public place or on a public road.

“Operator” means the organisation providing the Car Club 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, management of the car Club, electronic booking system, indemnity, insurance and marketing.

“Public Road” means a road over which a public right of way exists and responsibility its maintenance shall lie with the Council.

“Road Traffic Acts” means the Road Traffic Acts 1961-2016 as amended from time to time and regulations made there under.

“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 Car Club vehicle for the use of Car Club members consistent with the requirements set out in these Bye-Laws.

“Vehicle” means:

- a) a passenger vehicle with passenger accommodation for not more than twelve persons excluding the driver and not drawing a trailer or other vehicle;
- b) a goods vehicle whose unladen weight does not exceed 3.5 tonnes and not drawing a trailer or other vehicle

Part II.

Car Club Operator’s Licence

Applying for an Operator Licence

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- a) A Car Club Operator shall apply to the Council for a Licence to operate an on-street Car Club prior to commencing operation.
- b) A Licence shall be valid for an initial period of twelve (12) months and subject to satisfactorily compliance with these Bye-Laws and licensing conditions, shall be renewable thereafter every twenty four (24) months.
- 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 (2) months from the date of expiration of the licence to renew it.

d) A Licence shall be granted only where -

1. The applicant for it has paid the Council the licence fee of €200. This fee shall be reviewed from time to time by the Executive of the Council.

2. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws.
 3. The applicant provides evidence of Public Liability Insurance (minimum indemnity limit of €6.5 million) and Employer's Liability Insurance (minimum indemnity limit of €13.0 million) covering the operation of the Car Club, expressly indemnifying the Council.
 4. The applicant shall submit a Tax Clearance Access number and Tax Reference number to facilitate online annual verification of tax status.
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- e) An Operator shall not operate or permit to be operated his/her Car Club Service without holding a current licence in respect of it. A permit will also be required for each car club vehicle.
 - f) An Operator shall specify the number of vehicles to be operated under the licence and shall provide the Council with Vehicle Registration 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 vehicles to be operated under any one licence.
 - h) An Operator shall not operate or permit to be operated his/her Car Club Service except in accordance with the terms of the licence applicable to it and the provisions of these Bye-Laws.
 - i) The Operator shall lease or own all Car Club Vehicles. The model(s) used will be a commercial choice for the Operator. However the Operator shall be required to justify its choice of vehicle(s) with regard to environmental performance and any other relevant criteria as defined by the Council.
 - j) The Operator shall ensure that vehicles are serviced in accordance with best practice and the manufacturers recommended standards.

- k) 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.
- l) The Operator shall ensure that vehicles are kept to a reasonable standard of cleanliness at all times. Repair and washing of Car Club Vehicles must not be carried out on-street.
- m) The Operator shall agree proposed livery (including advertising) on all Car Club vehicles with the Council with a minimum of two weeks' notice in writing and the Council must agree to any changes in writing.
- n) In providing the Car Club Service, the 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, 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 Car Clubs.
- p) 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.
- q) 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 Car Clubs.

- r) 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 Car Club Service.
- s) The Operator shall keep and maintain throughout the duration of the licence, full and accurate records of their journey data and parking data relating to the Operator's vehicle fleet deployed within Dublin area, as agreed with the Council, and also 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.
- 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.

Car Club Vehicle Permit

Applying for a car club permit

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- a) A Car Club Operator shall apply to the Council for a Permit for each vehicle used as part of the Car Club at an annual fee of €1,200 per permit. This fee shall be reviewed from time to time by the Executive of the Council.
- b) A Car Club Vehicle Permit shall be valid for a period of twelve months from the date of issue.

- c) An Operator shall not stand or cause or permit a Car Club Vehicle to be stood for hire on a public road or designated parking space unless the permit issued so authorises.
- d) A permit granted in respect of a Car Club Vehicle shall be prominently displayed on the front windscreen in the vehicle and shall allow members to park in public parking spaces in the County at no charge in accordance with latest Dún Laoghaire Rathdown County Council Parking Control Bye-Laws.
- e) A Car Club Vehicle permit shall contain the following particulars:
1. The words "Comhairle Contae Dhún Laoghaire – Ráth an Dún" and "Dún Laoghaire Rathdown County Council"
 2. The date of expiry of the Car Club Vehicle permit
 3. the registration number of the vehicle in respect of which it is issued;
 4. Road or Street name
- f) Where the Council are satisfied that a valid Car Club Vehicle permit has been lost, destroyed or stolen, the Council or its agents shall issue a replacement to the Operator on payment of a fee as determined by the Council and such replacement permit shall be substituted for the original permit and the original permit shall be cancelled.
- g) A vehicle displaying an invalid Car Club vehicle permit will be subject to parking enforcement in accordance with the latest version of the Council's Parking Control Byer-laws
- h) The Council reserves the right to revoke the permit of any Car Club Operator whose vehicle(s) display an invalid Car Club permit

Part IV
Car Club Requirements

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| Limit on the number of permits and vehicles | 7 | <p>a) The Council may limit the overall number of Car Club Vehicles to a maximum of 200. This figure may be adjusted at the absolute discretion of the Council. The setting of an overall number shall be a function of the Executive.</p> <p>b) In the interest of competition the Council may limit the overall number of Car Club Vehicles operated by any single car club Operator to a maximum of 50. This figure may be adjusted at the absolute discretion of the Council. The setting of an overall number shall be a function of the Executive.</p> |
| Miscellaneous | 8 | <p>a) Car Club Operators shall be subject to the relevant Road Traffic Regulations and vehicles shall be parked on-street in accordance with latest Dún Laoghaire Rathdown County Council Parking Control Bye-Laws with the permit clearly shown.</p> <p>b) Car Club Members shall be responsible for compliance with road traffic regulations when the vehicle is being rented and vehicles shall be parked in accordance with latest Dún Laoghaire Rathdown County Council Parking Control Bye-Laws.</p> <p>c) Car Club Operators shall be responsible for compliance with administrative and road traffic regulations when the vehicle is not being rented.</p> <p>d) Car Club Members may park in a disabled parking bay if they display a valid disabled parking permit. The vehicles may not be left in a disabled bay once the member has finished the hire of the vehicle.</p> <p>e) A Car Club vehicle shall be of an approved standard and subject at all times to inspection from an authorised person / agent of the Council.</p> |

- f) An agent of the Council may request any Operator or Car Club Member who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.

- g) The Council may cancel a Car Club 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 or refuses persistency to comply with a request of an agent of the Council or an authorised person.

- h) The Council may, as a condition of granting a licence, prescribe streets/areas where Car Club vehicles can park and also may limit the number of Car Club vehicles parked in any specific street/area. Car Club vehicles can park in one of the following parking spaces at no charge;
 - a. "Car Club Vehicle Parking Bay" as defined under S.I. No. 325/2014 Road Traffic (Traffic and Parking) (Car Clubs and Electrically Powered Vehicles) Regulations 2014. These bays shall contain the road markings text 'Car Club only'
 - b. Parking areas on public roads in the County.

Present when the Seal of

**Dún Laoghaire-Rathdown County Council
was affixed hereto:**

This day of 2018

**Cathaoirleach na Chomhairle Contae
Dhún Laoghaire-Ráth an Dúin**

Approved Officer

**County Council Official
County Hall, Dún Laoghaire**