

**Long title      Limerick City and County Council Control of Dockless On-Street Bicycle Hire Draft  
Bye-Laws 2022**

Limerick City and County Council (hereafter 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 (as amended) and all other enabling statutory powers hereby make the following Bye-Laws for the regulation of the operation of Dockless On-Street Bicycle Hire Services in respect of the administrative area of the Metropolitan District of Limerick.

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<b>Preliminary</b>		<b>Part I</b>
<b>Citation</b>	1	These Bye-Laws may be cited as the Limerick City and County Council Control of Dockless On-Street Bicycle Hire Bye-Laws 2022.
<b>Area of Application</b>	2	These Bye-Laws apply to the administrative area of the Metropolitan District of Limerick.
<b>Commencement Date</b>	3	These Bye-Laws shall come into effect on the XXXX 2022
<b>Definitions</b>	4	<p>In these Bye-Laws:</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.</p> <p>“Authorised Person” means 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 Síochána.</p> <p>“Bicycle” means a pedal bicycle which is intended or adapted for propulsion solely by the physical exertion of a single person seated thereon or a peddle bicycle which includes an electric battery/motor.</p> <p>“Bicycle Permit” means a permit in respect of a Bicycle issued by the Council to the Operator.</p> <p>“Council” means Limerick City and County Council</p> <p>“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 (as amended).</p> <p>“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.</p> <p>“Licence” means a licence issued by the Council to an Operator to provide the service within the area of application and bearing a specific identification number.</p> <p>“Operator” means the operator of the service within the area of application. 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.</p> <p>“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.</p> <p>“Road Traffic Acts” means the Road Traffic Acts 1961-2018 as amended to from time to time and all regulations made there under.</p>

		<p>“Service” means the provision, within area of application in accordance with the requirements of these Bye Laws, of a bicycle for dockless on-street hire.</p> <p>“Dockless On-Street Bicycle” means a bicycle provided by an operator for use within a Dockless On-Street Bicycle Hire scheme.</p> <p>“Dockless On-Street Bicycle Hire Company” means an organisation having, standing or plying a Dockless On-Street Bicycle for hire and use of same in a public place or on a public road.</p>
		<b>Part II</b>

<p><b>Dockless On-Street Bicycle Hire Operator's Licence</b></p>	<p>5</p>	<p>a) An Operator shall apply to the Council for a Licence to operate a Dockless On-Street Bicycle Hire service prior to commencing operation. The Council reserves the right to hold an open competition for the award of an operator's licence(s) where it seeks to limit the number of operators.</p> <p>b) An operator's licence shall be valid for an initial period of 12 months, and shall, subject to satisfactory compliance with these Bye-Laws and all conditions in the operator's licence during the initial 12 months, be renewable for a further 24 months.</p> <p>c) Subject to the Council being satisfied that the Operator has complied with the provisions of these Bye-Laws and all conditions in the operator's licence the Operator shall have an option, for a period of two (2) months from the date of expiration of the licence, to renew the licence.</p> <p>d) A Licence shall be granted only where:</p> <ul style="list-style-type: none"> <li>i. The applicant for the licence has paid the Council the licence fee of €200 per annum. <b>For each subsequent licence, the licence fee shall be determined from time to time by the Council</b></li> <li>ii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws;</li> <li>iii. The applicant provides evidence on an annual basis of Public Liability Insurance covering the operation of the service, with an indemnity limit of not less than € 6.5 Million and expressly indemnifying the Council;</li> <li>iv. The applicant provides evidence on an annual basis of Employer's Liability Insurance covering the operation of the service, with an indemnity limit of not less than € 13 Million and expressly indemnifying the Council</li> <li>v. The applicant provides evidence on an annual basis of Products Liability Insurance covering the operation of the service, with an indemnity limit of not less than € 6.5 Million and expressly indemnifying the Council</li> <li>vi. The applicant provides a Tax Clearance Certificate from the Revenue Commissioners on an annual basis.</li> </ul> <p>e) An Operator shall not operate a dockless bicycle hire service without holding a current licence in respect of it.</p> <p>f) The Council shall, by Executive Order, specify the minimum and maximum number of bicycles to be operated under the licence. The minimum/maximum figure may be adjusted at the absolute discretion of the Council. The Operator shall provide the Council with Bicycle Identification Numbers and such other details as the Council deems appropriate for the issuing of a licence.</p> <ul style="list-style-type: none"> <li>• g) An Operator shall pay to the Council a bicycle permit fee for each bicycle for hire. This shall be paid annually. The fee will be outlined in the conditions of the operator's licence. <b>The permit fee shall be payable in addition to the annual licence fee</b></li> </ul>
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	<p>h) An Operator shall not operate a service except in accordance with the terms and conditions of the licence applicable to it and the provisions of these Bye-Laws.</p> <p>i) The Operator shall ensure in its provision of the service that wherever possible it uses working methods, equipment, materials and consumables which minimise environmental damage.</p> <p>j) The Operator shall lease or own all bicycles. An Operator's bicycles can be a traditional pedal bicycle or electric bicycle or a combination of both. The model(s) used will be a choice for the Operator, however the Operator shall ensure the bicycles are in compliance with the Road Traffic Acts and meet the relevant ISO standards (as updated), are roadworthy and meet any other relevant criteria as defined by the Council.</p> <p>k) The Operator shall ensure that bicycles are serviced and maintained in accordance with best practice and recommended standards, are legal and roadworthy, and comply with all applicable statutory requirements.</p> <p>l) The Operator shall ensure that bicycles are kept to a reasonable standard of cleanliness at all times.</p> <p>m) The Operator shall agree proposed livery on all bicycles with the Council. No advertising for alcohol products will be permitted on bicycles.</p> <p>n) Repair and cleaning of bicycles must not be carried out on-street.</p> <p>o) In providing the service the Operator shall ensure that it is complying with all applicable legislation and with Good Industry Practice.</p> <p>p) 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 Dockless On-Street Bicycle Hire Services.</p> <p>q) 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.</p> <p>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 Dockless On-Street Bicycle Hire Services.</p>
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	<p>s) 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.</p> <p>t) The Operator shall keep and maintain throughout the duration of the licence full and accurate records of 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 GDPR compliant 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 licence.</p> <p>u) Where the Council decides to refuse to grant a Licence or revoke an existing Licence the affected Operator may appeal that decision to the Director of Services in the Council's Transportation and Mobility Directorate. No further appeal will be accepted.</p>
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		<b>Part III</b>
<b>Bicycle Permit</b>	6	<p>a) A bicycle permit fee for each on-street dockless bicycle shall be paid in respect of each bicycle. This fee shall be paid annually. The fee will be outlined in the conditions of the operator’s licence.</p> <p>b) The 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 each year.</p> <p>c) A Bicycle Permit shall be valid for a period of twelve months from the date of issue.</p> <p>d) An Operator shall not stand or cause or permit a Bicycle to be stood for hire/parked on a public road/footpath unless it holds a valid bicycle permit in respect of that bicycle.</p>
		<b>Part IV</b>
<b>Miscellaneous</b>	7	<p>a) Bicycles shall be subject to the relevant Road Traffic Acts and bicycles shall be parked on-street in accordance with Licence conditions 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.</p> <p>b) Operators shall be responsible for compliance with administrative and road traffic regulations and statutory obligations when a bicycle is and is not being rented. Where the Operator can identify that a bicycle user /customer bears responsibility for a breach of any such regulation or statutory obligation, it shall be a matter to be resolved between that Operator and that bicycle user /customer. At no time, shall any liability attach to the Council in respect of any failure of an Operator, a bicycle user /customer to abide by the Road Traffic Acts or the Road Traffic Regulations.</p> <p>c) Operators shall be responsible for compliance with all Road Traffic Acts when the bicycle is not being rented.</p> <p>d) Bicycles shall be subject at all times to inspection by an Authorised Person / agent of the Council.</p> <p>e) An Authorised Person / agent of the Council may request an Operator who appears to be contravening or to have contravened a provision of the Bye-Laws to refrain from that activity.</p> <p>f) An Operator who has contravened a provision of these Bye-Laws, or 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 in the amount of €75.</p>



		<p>g) 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.</p> <p>h) The Council may cancel a bicycle 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 has obtained the permit by the submission of falsified documentation or where the Operator is seriously or persistently in breach of these Bye-Laws.</p> <p>i) The Council may, as a condition of granting a licence, prescribe streets/areas where Dockless On-Street Hire Bicycles should or should not be deployed, where they cannot park and also may limit the number of Dockless On-Street Bicycle Hire bicycles parked in any specific street/area.</p>
		<b>Part V</b>
<b>Enforcement</b>	8	<p>a) An Operator or any other 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 <b>€1,904.60</b>.</p> <p>b) Where a contravention of a provision of these Bye-Laws is continued after conviction, the Operator or any other 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.</p> <p>c) If an Operator or any other 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 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.</p> <p>d) A 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.</p> <p>e) An Operator or any other person served with a Fixed Payment Notice is entitled to defend a prosecution of the alleged contravention in court.</p> <p>f) An authorised person may request any Operator or any other person who appears to be contravening or to have contravened a provision of these Bye-Laws to refrain from such contravention.</p> <p>g) An Operator or any other 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 (as amended) shall be guilty of an offence under section 204(3)(a) of the said 2001 Act.</p>

		h) An Operator or any other 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.
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SCHEDULE

LIMERICK CITY AND COUNTY COUNCIL CONTROL OF DOCKLESS ON-STREET BICYCLE HIRE BYE-LAWS  
20XX FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT  
ACT, 2001 (SECTION 8 OF THE BYE-LAW)

NAME OF LOCAL AUTHORITY: LIMERICK CITY AND 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 LIMERICK CITY AND COUNTY COUNCIL CONTROL OF DOCKLESS ON-STREET BICYCLE HIRE BYE-LAWS 20XX

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)

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 – Limerick City and County Council.

A receipt will be given.

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

