

Long title **Limerick City and County Council Control of Car Clubs Bye-Laws 2024**

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 Car Clubs in respect of the administrative area of the Metropolitan District of Limerick.

Part I

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Preliminary		Part I
Citation	1	These Bye-Laws may be cited as the Limerick City and County Council Control of Car Club Bye-Laws 2024.
Area of Application	2	These Bye-Laws apply to the administrative area of the Metropolitan District of Limerick.
Commencement Date	3	These Bye-Laws shall come into effect on the XXXX 2024
Definitions	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>“Car Club” means Car clubs’, Car Share and pool car schemes which provide short term hire of vehicles for occasional use. The vehicles may be commercial or passenger vehicles.</p> <p>“Council” means Limerick City and County Council.</p> <p>“Designated Parking Zone” Is an area that may be identified by the Council from time to time for the parking of Car Club vehicles.</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>“Metropolitan Area” means the Metropolitan District of Limerick as defined by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).</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 vehicles, management, electronic booking system, indemnity, insurance and marketing.</p>

		<p>“Permit” means a permit issued by the Council to the Operator for the purposes of display when a vehicle is parked within a designated Car Club parking area. A permit is required for each vehicle.</p> <p>“Public Road” means that assigned to it by Section 2(1) of the Roads Act, 1993 (as amended).</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 vehicle for short duration hire.</p> <p>“Vehicles” means a mechanically propelled vehicle and electric vehicles.</p>
		Part II

<p>Car Club Operator's Licence</p>	<p>5</p>	<p>a) An Operator shall apply to the Council for a Licence to operate a Car Club 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 36 months, and shall, subject to satisfactory compliance with these Bye-Laws and all conditions in the operator's licence during the initial 36 months, subject to compliance with C) below, 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"> i. The applicant for the licence has paid the Council the licence fee of €100 per annum (non-refundable). For each subsequent licence, the licence fee shall be determined from time to time by the Council. ii. The Council is satisfied that the applicant will comply with the provisions of these Bye-Laws; 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; 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; 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 and vi. The applicant provides a Tax Clearance Certificate from the Revenue Commissioners on an annual basis. <p>e) An Operator shall not operate a Car Club 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 Car Club vehicles 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 Vehicle Identification Numbers and such other details as the Council deems appropriate for the issuing of a licence.</p> <p>g) An Operators permit shall be valid for an initial period of 36 months and thereafter shall be renewable as per the term of the license. The period of the permit shall not exceed the period of the license. An Operator shall pay to the Council a Car Club permit fee for each vehicle. This shall be paid prior to the commencement of the permit. The</p>
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	<p>fee will be outlined in the conditions of the operator's licence. The permit fee (non-refundable) shall be payable in addition to the annual licence fee.</p> <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 vehicles. An Operator's vehicles can be petrol, diesel, hybrid or electric or a combination of the above. The model(s) used will be a choice for the Operator, however the Operator shall ensure the vehicles 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 the vehicles 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 vehicles are kept to a reasonable standard of cleanliness at all times.</p> <p>m) The Operator shall agree proposed livery on all vehicles with the Council. No advertising for alcohol or tobacco products will be permitted on vehicles.</p> <p>n) Repair and cleaning of vehicles 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 Car Club 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 Car Club 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 the affected Operator may appeal that decision within 14 days of notification from The Council. The Operator may appeal the decision in writing to The Council's Director of Services, Transportation and Mobility Directorate, Merchants Quay, Limerick. No further appeal will be accepted.</p> <p>v) Should The Council decide to terminate the operation with notice regarding a material breach, the Operator may appeal that decision within 14 days of notification from The Council. The Operator may appeal the decision in writing to the Director of Services, Transportation and Mobility Directorate, Merchants Quay, Limerick. No further appeal will be accepted.</p>
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		Part III
Car Club Permit	6	<p>a) A Car Club permit shall be valid for an initial period of 36 months and thereafter shall be renewable as per the term of the license. The permit fee shall be paid prior to commencement of the permit in respect of each vehicle. 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 Car Club Permit shall be an Executive Function.</p>
		Part IV
Miscellaneous	7	<p>a) The Council may, as a condition of granting a licence, prescribe streets/areas where Car Club vehicles should or should not be deployed, and also may limit the number of Car Club vehicles parked in any specific street/area.</p> <p>b) Operators shall be responsible for compliance with administrative and road traffic regulations and statutory obligations when a Car Club vehicle is and is not being rented. Where the Operator can identify that a Car Club 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 Car Club user /customer. At no time, shall any liability attach to the Council in respect of any failure of an Operator, a vehicle user /customer to abide by the Road Traffic Acts or the Road Traffic Regulations.</p> <p>c) The Council may terminate 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>d) The Council may terminate a Car Club 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>e) Use of vehicles shall be subject to the relevant Road Traffic Acts and vehicles shall be parked within a designated Car Club parking area and not in such a manner as creates a danger to pedestrians or other road users. Vehicles 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>f) Car Club Vehicles shall be subject at all times to inspection by an Authorised Person / agent of the Council.</p>

		<p>g) 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>
		Part V
Enforcement	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 €1,904.60 or such maximum amount as may from time to time be specified in the Fines Act 2010 or any modification thereto</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 or such maximum amount as may from time to time be specified in the Fines Act 2010 or any modification thereto.</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> <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 or such maximum amount as may from time to time be specified in the Fines Act 2010 or any modification thereto.</p>

SCHEDULE

LIMERICK CITY AND COUNTY COUNCIL CONTROL OF CAR CLUB BYE-LAWS 2024 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 CAR CLUB BYE-LAWS 2024

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.

Present when the Seal of Limerick City and County Council was affixed hereto

This day of 2024

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