

<b>Item No.</b>	<b>Classification</b> Open	<b>Date:</b> 22 November 2023	<b>Meeting Name:</b> Cabinet Member for Climate Emergency, Clean Air & Streets
<b>Report title:</b>		E-scooter and E-bike parking bays	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Environment	

## RECOMMENDATION

1. That the Cabinet Member for Climate Emergency, Clean Air & Streets approves the making of an Experimental Traffic Management Order (“ETMO”) to implement parking bays for e-scooters and e-bikes as detailed in Appendix 1.

## BACKGROUND INFORMATION

2. In July 2023 Cabinet approved the Streets for People transport strategy, we are taking ambitious steps to improve the air we breathe in Southwark by moving away from favouring cars and freeing up space for walking, cycling and public transport. We are improving walking and cycling routes to schools; creating more opportunities to walk and cycle; investing in our community spaces by making them safer, greener and more pleasant environments.
3. This proposal presented in this report provides an opportunity to provide further opportunities for cycling and active travel in the borough through greater provision of e-bikes and e-scooters.
4. There is a growing demand for the use of both e-bikes and e-scooters and we are committed to enabling this increased growth and providing further provision for the residents of Southwark.
5. The implementation of more parking bays will have a significant positive impact in making Southwark a cycle friendly borough and in reducing air pollution from vehicles.

### E-scooters

6. To date Southwark Council (“the Council”) has been participating in the pan London e-scooter trial managed by Transport for London (“TfL”), this trial has been extended until May 2024.

### E-bikes

7. In November 2022, the Cabinet Member approved trialling e-bikes in the borough until May 2024.

8. Two operators of e-bikes have agreed memorandum of understandings that clearly stipulate the locations and the associated numbers of vehicles that may be deployed, the agreements commenced in May 2023 and expire in May 2024 and include the provision for 1440 e-bikes to be deployed in the borough. To date there have been £1.4million trips made on e-bikes in the borough, hence the need for further parking bays.

#### Proposed increase in parking provision

9. E-scooters have to be hired from parking bays and off-hired into parking bays.
10. E-bikes can be hired and returned from anywhere in the borough as long as they are not causing an obstruction, the two operators have 24hrs to deploy a bike returned outside of a dedicated parking bay back into a dedicated parking bay.
11. There is a need to increase parking for both e-scooters and e-bikes with the aim of providing adequate provision across the whole borough. Currently there are 82 parking bays for e-scooters and e-bikes in the borough all of which are on highway land on both the pavement and road.
12. A further 147 parking bays are required to facilitate the current volumes of both e-scooters and e-bikes being deployed in the borough.
13. This report is seeking approval to implement an ETMO to implement the further 147 parking bays for the e-bikes and e-scooters all of which will be located on the road. Southwark Council will trial, by way of an experiment, the provision of 147 new e-scooter & cycle hire parking bays in the carriageway.
14. Each e-scooter and e-bike parking bay will be positioned on the carriageway in an existing parking bay. It may be necessary to amend the designation of the existing parking bays through new signage and corresponding markings on the ground. In addition, the existing parking will be suspended whilst the ETMO trial is implemented.
15. It is anticipated that this increase in parking provision will reduce the number of e-scooters and e-bikes left parked causing an obstruction.

### **KEY ISSUES FOR CONSIDERATION**

#### **Consultation**

16. Officers have identified a list of locations to implement parking bays and consulted with the operators of e-bikes and e-scooters and ward councillors.

#### **Experimental Traffic Management Order (ETMO)**

17. This report recommends that the implementation of parking bays for e-scooters and e-bikes be managed through the implementation of an ETMO.
18. An ETMO would be made under powers contained within the Road Traffic Regulation Act 1984 ("RTRA") as amended. Regulation 22 of the Local Authorities; Traffic Orders (Procedure) (England and Wales) Regulations

1996 (“1996 Regulations”) sets out the requirements for making an ETMO. An ETMO can stay in force for a period of up to 18 months.

19. By virtue of section 122(1) of the 1984 Act, the Council has a duty in the exercise of its function as highway and traffic authority so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters listed at section 122(2):
  - a. the desirability of securing and maintaining reasonable access to premises.
  - b. the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
  - c. the national air quality strategy.
  - d. the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
  - e. any other matters appearing to the council to be relevant.
20. The Council in satisfying this duty must have proper regard to its s122(1) duty and balancing this duty with the matters set out at s122(2) when making any decision to implement this ETMO, having particular regard to the locations of the proposed e-scooter/e-bike parking bays.
21. In light of the issues discussed in this report and having regard to the matters listed in section 122(2), officers consider that the e-bike/e-scooter parking bays will enable the Council to meet its duty under section 122 of the RTRA 1984. An assessment has been undertaken in line with section 122 of the RTRA and there is no negative impact on:
  - (a) the desirability of securing and maintaining reasonable access to premises.
  - (b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity
  - (c) the national air quality strategy.
  - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
22. The implementation of the parking bays does not involve the removal of double yellow lines but does reduce the number of on-street vehicle parking bays.
23. The order is experimental and as such consultation and feedback will be considered during the period of the order and a decision made on whether the order should be made permanent. For most trials, this would be after a period of twelve to eighteen months.
24. Section 16(1) of the Traffic Management Act 2004 sets out the traffic management duty. The Council as the traffic authority has a duty to manage its road network with a view to achieving, so far as may be reasonably

practicable having regard to their other obligations, policies and objectives, the following objectives:

- a. securing the expeditious movement of traffic on the authority's road network; and
  - b. facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
25. Officers consider that by implementing the e-bike/e-scooter proposals, the Council's network management duty is satisfied for the reasons discussed at paragraph 19.
  26. The proposed changes affect a number of different parking restrictions across the borough including pay parking bays, permit bays, shared use bays (a combination of pay and permit parking) and free bays. There are also changes to some single and double yellow line waiting and loading restrictions.
  27. There is no power of objection to the trial, so the trial can commence following the statutory seven day advertising period. During the course of the trial, the Council will consult with operators and ward councillors to understand how the trial is working in practice.
  28. The consultation results, in conjunction with any feedback from the public, will form the basis of a report to the Cabinet Member on which a decision will be taken on the future of the trial.

### **Policy implications**

29. The proposals contained within this report contribute to the delivery of the following objectives of the Streets for People strategy:
  - Objective 1: Reduce the need to own or use a car – by providing alternative transport methods (e-bikes and e-scooters)
  - Objective 5: Make walking, cycling and wheeling easier by providing more options to hire e-bikes and e-scooters from.
30. The implementation of this proposal will help to deliver the targets of the Council's Delivery Plan, in particular; milestone 26c.2 – Review trial of E-scooter/E-bike and consider permanent introduction.

### **Community impact statement**

31. The recommendation is locally based and therefore will have greatest effect upon those people living, working or travelling in the vicinity of the area where the parking bays are located.
32. Any interventions that could pose a risk to pedestrians and motorists will be identified and adjusted as part of the road safety review and community feedback.
33. Pedal assisted e-bikes and e-scooters will help people with certain health conditions that the use of traditional cycles poses as a challenge.

34. There is no impact on other road users in terms of moving vehicle, there will however be a reduction in the number of vehicle parking bays.
35. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any particular community group.

### **Equalities (including socio-economic) impact statement**

36. The introduction of 147 new parking bays for e-bikes and e-scooters will provide additional locations to park within designated bays and encourage users to park within designated bays. In addition, the bays will be installed in an even spread across the borough and therefore provide residents and users alternative methods of transport.
37. There are 23,284 various types of parking bays in over 2000 streets within the borough so the possible impact on vulnerable people and carers will be negligible. No disabled bays will be removed to facilitate the bays.
38. The council will continue to monitor feedback and any complaints to ensure there is no negative impact on disabled people, carers and older frail people. There will also be some positive impacts for disabled people, carers and older frail people because additional parking bays will help to minimise e-bikes or e-scooters being left on pavements.

### **Health impact statement**

39. Active travel improves physical and mental wellbeing. A shift towards greater e-bike and e-scooter use and away from car use could also contribute to improvements in air quality, with associated health benefits. The assessment and monitoring of the impact on vulnerable road users is welcome.

### **Climate change implications**

40. One key aim of the Council's Climate Change Strategy is to 'be a borough where walking and cycling becomes the default way to get around'. Part of meeting the borough's ambition of net zero emissions by 2030 includes a shift to active and public transport; road transport currently accounts for 22% of the borough's emissions. The approval of these measures strongly support that ambition. Implementing these parking spaces will provide greater e-bike/e-scooter coverage for residents as well as a safer hire process.
41. These measures are also expected to reduce carbon emissions within the borough. When taking into account widely accepted emission factors on the average London commute and emissions emitted per mile by e-scooters, it is estimated that an e-scooter/e-bike would produce around 50 times less carbon emissions than the average journey in London. This is an approximate figure and does not include inbuilt carbon emissions in the production, maintenance or leasing/operating processes related to e-bikes and e-scooters.

## Resource implications

42. The cost of implementing the parking bays is £200,000, which will be funded from the parking service revenue account.

## Legal Implications

43. See advice below.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Assistant Chief Executive (Governance & Assurance) – NST131123

44. Under the Constitution, Part 3D, paragraph 22, the Cabinet Member may take the decision to implement a traffic and highway improvement project, subject to statutory consultation. If the recommendation is approved by the Cabinet Member, the ETMO will be made under sections 9 and 10 of the 1984 Act in order to suspend the current restrictions in place and to introduce new restrictions limiting the parking bays to the exclusive use by e-scooters and e-bikes.
45. The background to the e-bikes/e-scooter trials are set out in the body of the report. Implementation of the proposals will require TMOs made in accordance with the powers prescribed by the Road Traffic Regulation Act 1984 Act. A traffic regulation order (TRO) regulates, restricts or prohibits the use of a road or any part of a road by vehicular traffic or pedestrians (. A form of TRO named an experimental traffic regulation order (ETMO) can allow a traffic authority to experiment with restrictions.
46. An experimental traffic order (ETMO) is similar to a permanent TRO in its effects, but can only remain in force for a maximum of 18 months and must be made “for the purposes of carrying out an experimental scheme of traffic control” (section 9(1)). An ETMO can be made at relatively short notice where, for example, existing restrictions are not working or the authority wants to examine how different restrictions would address an issue.
47. Providing certain procedural requirements are met, a traffic authority can make an ETMO permanent. Where an ETMO has been made for less than 18 months, an ETMO can be extended provided that the total period does not exceed 18 months (*section 9(4)*). In the event there are objections to any of the proposals following statutory consultation, a further report will be presented to the Cabinet Member to determine whether to proceed with the making permanent of the ETMO.
48. Making an ETMO requires a traffic authority to comply with a less onerous procedures, set out in *regulations 22 and 23*, and Schedule 5 to the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOPR 1996). In particular:
  - An ETMO can come into force after seven days have elapsed since the publication of the notice of making the ETMO (*regulation 22(2)*).
  - The requirements to publish proposals and the right of any person to object prior to making a TRO (under regulations 7 and 8 respectively) do not apply to the making of an ETMO (*regulation 22(2)*). While an

- authority must consult relevant parties under regulation 6, it does not need to invite objections or representations from any person under regulation 8 before making the ETMO.
49. After a ETMO has been made, the notice of making must be published under *regulation 17*. The deposited documents specified in Schedule 2 to the LATOPR 1996 must be made available for public inspection, as is required in the making of a TRO (*regulation 22(3)*).
  50. The statement of reasons must include the “reasons for proceeding by way of an experiment” and state whether the traffic authority intends to consider making an order with the same effect that is not ETMO (*paragraph 2(d), Schedule 2*).
  51. The Council’s duty under section 122 of the RTRA 1984 Act to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway has been considered . Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the additional e-scooter/e-bike hie bays in the carriage way be implemented.
  52. Section 149 of the Equality Act 2010 imposes the public sector equality duty (PSED) on public authorities in the exercise of their functions, including traffic authorities’ under the RTRA 1984. the council, in the exercise of its functions, to have due regard to the need to:
    - eliminate discrimination, harassment and victimisation;
    - advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
    - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
  53. Equalities are examined in paragraphs 36-38 of this report.
  54. The Human Rights Act 1998 imposes a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The relevant rights for highway and traffic purposes are Article 8 (respect for homes); and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of the proposals is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
  55. Council Assembly on 14 July 2021 approved a change to the council’s Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered at in paragraph 29-41.

### **Strategic Director of Finance (ENG23/089)**

56. The Strategic Director of Finance notes the recommendation to the Cabinet Member for Climate Emergency, Clean Air & Streets to approve the making of an ETMO to implement parking bays for e-scooters and e-bikes.

57. The Strategic Director of Finance and Governance also notes the resource implications and the source of funding for the ETMO.
58. Staffing and any other costs associated with the recommendations in this report will be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People Streets for People Strategy  <a href="https://www.southwark.gov.uk/transport-and-roads/streets-for-people">https://www.southwark.gov.uk/transport-and-roads/streets-for-people</a>	Southwark Council Environment, Neighbourhoods and Growth Highways 160 Tooley Street London SE1 2QH	John Wade 0207 525 0141
IDM Pan London e-scooter trial and Southwark e-bike trial  <a href="#">Decision - Pan London E-scooter Trial and Southwark E-bike Trial - Southwark Council</a>	Southwark Council Environment and Leisure Highways Network Development 160 Tooley Street London SE1 2QH	John Wade 0207 525 0141

## APPENDICES

No.	Title
Appendix 1	Proposed e-scooter and e-bike parking bays

## AUDIT TRAIL

<b>Lead Officer</b>	Matt Clubb – Director of Environment	
<b>Report Author</b>	John Wade – Head of Parking Services and Network Management	
<b>Version</b>	Final	
<b>Dated</b>	October 2023	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive (Governance & Assurance)	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	22 November 2023	