

Item No.	Classification: Open	Date: 22 June 2021	Meeting Name: Cabinet Member for Transport, Parks and Sport
Report title:		Pan-London eScooter Trial	
Ward(s) or groups affected:		All	
From:		Director of Environment	

RECOMMENDATION

1. It is recommended that the Cabinet Member for Transport, Parks and Sport gives authority for the London Borough of Southwark to be included in the twelve month pan-London trial of eScooters.

BACKGROUND INFORMATION

2. Since the introduction of eScooters on to our streets, the Department of Transport (DfT) in conjunction with Transport for London (TfL) and London Councils (LC) have agreed to a pan-London eScooter trial.
3. It is illegal to use privately-owned eScooters on public property including roads, pavements and cycle lanes, However, for the purpose of the trial, the three appointed companies (Dott, Tier and Lime) have been selected by the DfT and given the opportunity of running hire schemes whereby eScooters can be used on public property.
4. For the purpose of the scheme, the DfT have made an interim provision that legalises the use of the appointed companies' eScooters and categorises them as motor-vehicles.
5. The use/hire of private eScooters and non-participating eScooter companies will remain illegal and subject to enforcement by the Police.
6. All London boroughs were consulted and offered the opportunity to join the trial in 2020 via communication to the respective Cabinet Member responsible for Highways.
7. The Cabinet Member responsible for Highways in 2020 approved officers joining a TfL/London boroughs/London Councils working group. The key objective of the working group was to identify the conditions that needed to be applied to the operation of the trial.
8. The working group has identified the key conditions of the trial and the associated contracts with the three operators. As such, TfL and London Councils are in a position to start the trial in June 2021. This report is

seeking approval for Southwark Council to join the trial as soon as is practical.

9. Due to the need to adopt a multi-borough approach to a trial in London, it has been agreed that Transport for London (TfL) would act as that lead authority. There are currently ten London boroughs signed up to the full trial (including Lambeth).

KEY ISSUES FOR CONSIDERATION

Control

10. Joining the trial enables the Council to achieve an element of control in managing eScooters on the highway in the borough by:
 - Agreeing to, and controlling the priority zones of the borough that eScooters can be ridden
 - Agreeing and controlling the designated parking areas in the borough that the eScooters can be parked
 - Agreeing and controlling the speed at which eScooters can be ridden in different zones of the borough
 - Enforcement of the application of the eScooters through the management of the contract of the three appointed companies.
11. It is important to note that not joining the trial does not mean eScooters will not be ridden in the borough, because they will be. Joining the trial enables the above controls to be applied on the highways in Southwark.
12. Officers have identified two categories of zone to manage the use of eScooters in the borough:
 - a. **'No Go' areas:** these are areas where the use of eScooters will be prohibited, such as footways and housing estates. This can be enforced because the three operators have location-based speed deactivation capabilities which cuts the eScooter's power and will not reactivate until the eScooter has been moved to a geofenced area where eScooters are permitted.
 - b. **'Go Slow' areas:** are areas where the use of eScooters is restricted but not prohibited. The three operators have location based speed restriction capabilities which safely reduce the speed to a maximum of 4mph (a Southwark Council specific condition). Officers have identified 'No-Go' and Go-Slow' areas within the borough. These areas are located near to transport hubs, in parks, near schools and areas with high volume pedestrian footfall.

Key Conditions of the trial

13. Parking - officers and colleagues in Highways and Parking are included in the TfL/London boroughs/London Councils working group which has proposed and mapped where we will permit eScooters to be placed for hire/off hire within the borough. It is proposed that the majority of vehicles

will be parked on suitable footways where sufficient widths are available so as not to affect pedestrians.

14. Parking - eScooters will only be permitted to be deployed by operators or parked by users in the designated areas agreed by officers. There is nothing to prevent a user leaving a unit outside of a designated area but they will be unable to off-hire the unit and hire charges will continue until the unit has been either repositioned by the user or the operator.
15. Parking - the operators must park or redeploy any eScooter outside of an agreed area within one hour of being notified. As such the operators take responsibility for eScooters left outside of agreed parking areas, and return them to agreed parking areas
16. Parking - to date, twelve stations to park the eScooters have been identified. These are all off the carriageway and are located in the north of the borough near main transport hubs, but some are located in the south of the borough. Some are in the same locations as agreed and used for the dockless bike stations as there was no concern raised with these locations previously.
17. Parking – additional parking locations over and above the twelve identified to date can be placed near estates so people can access the eScooters.
18. Enforcement – where the local authority identify non-compliance, e.g. parking, obstructions, over/under capping numbers (fleet sizes) of vehicles, etc, the local authority may place sanctions on the offending operator such as reducing the number of units that can be deployed or restricting the areas the operator operates in.
19. Users will be permitted to use cycle lanes which will require amendments to existing Traffic Orders.
20. Theft - eScooters are in excess of 25kg and are built in a very robust way and as such they are not easily moved when not being powered. There are built-in mechanisms to ensure that theft does not occur, whereby scooters cannot be used unless a hire is made. We do not anticipate shared scooters (limited to 12.5mph) being used for crime and the Metropolitan Police have agreed this point. Most instances of scooter use in criminal activity are private scooters with speeds in excess of 30mph. The eScooters also "time out" after 10 minutes inactivity making them unattractive for theft as the ride would have to continue without stopping. When notified of such an incident the eScooters can be remotely disabled.
21. Anti-social behaviour - the operators have been working with the Police. eScooters use hidden engine locks in the wheel and are effectively useless when not powered. An eScooter's wheels will not turn and an alarm sounds if moved outside of a hire. It is the responsibility of each of the operators to respond to abandoned/damaged units and the response

time agreed is 1hr.

22. Lines of responsibilities – the three operators will supply operational contact details for key borough personnel to use and a 24 hour phone line, email and social media channels are monitored by the operators. There are strict service level agreements in place for dealing with complaints. The designated and mandatory parking will drastically reduce issues as experienced in previous bike trials.
23. Operators - three operators have been appointed to rent out the eScooters and these will be limited to boroughs that have agreed to take part in the trial. TfL and London Councils have awarded the contracts. Officers have specified specific local conditions to the contracts to achieve the best possible contract for the council.
24. Trial duration and key dates - the trial will last for twelve months. On completion of the trial, the operators will remove all vehicles from the street unless it has been agreed to extend the trial, or a competitive process has been undertaken for further eScooter activity within the borough and that operators have successfully secured the right to continue operations.
25. Permitted fleet sizes - a maximum and minimum vehicle cap system will be used to allow operators to increase their permitted fleet sizes but could also force operators to decrease the size of their fleet depending on utilisation rates and operational performance to ensure compliance with licence conditions.
26. Data sharing and reporting - the operators will provide weekly anonymised data reports to its host boroughs including the following:
 - Total users numbers
 - Trip numbers(p/day-week-month)
 - Detailed trip origin/destination information
 - Trip length and time
 - Hourly fleet utilisation
27. During the trial and after its conclusion, the operators will assist and participate in the formal evaluation of the trial, including provision of data and information from the DfT data and any other borough. All data must be in a format and manner compliant with GDPR regulations.
28. eScooter standards and safety - the DfT have defined an eScooter as a motor vehicle. Helmet use is promoted throughout the 'in app' experience and helmet giveaways and promotions are planned. eScooters can travel up to 12.5mph. Fully comprehensive insurance is provided for all riders and each operator is covered by public and product liability insurance therefore there is no legal/insurance impact on the borough other than the normal responsibilities a highway authority would expect as the owner of a highway.

29. The operators will be required to conduct an education and outreach programme designed for both users and non-users of the vehicles. The operators should provide comprehensive and clear information to users on how to ride the vehicles safely and considerably. The information will also inform riders of the rules for use and relevant traffic offences which will be provided in a format that maximises understanding, including for users whose first language may not be English. The operators will post visible, easily legible, clear safety information on each eScooter which will include requirements to obey relevant legislation and trial rules.
30. Communication - the communications strategy is being developed with London Councils/TfL and the Council's communications team is involved in those meetings.

Policy implications

31. An Equality Impact Assessment (EQIA) has been carried out by TfL, and will be monitored and updated as appropriate throughout the trial. The assessment was developed with engagement from various groups including the TfL Accessibility Forum and its Independent Disability Advisory Group (IDAG). Where practically possible and safe to do so, mitigations have been put in place in the form of high operator standards, beyond those set as minimum requirements by the Department for Transport.

Community impact statement

32. eScooter activity will be closely monitored throughout the trial to understand impacts on vulnerable road users (e.g. visually impaired, wheelchair users). The three companies will offer their services borough-wide and offer reduced rates to those on lower incomes. These measures are based on lessons learned from our experiences with carshare and bike-share schemes, and other cities' experiences with eScooters.

Resource implications

33. The Traffic Manager is the appointed officer responsible for the trial and sits on the TfL/London Councils working group.

Legal implications

34. Any operator wishing to run an eScooter trial in London should be an accredited London Living Wage Employer. It must also comply with all applicable law.
35. For the purpose of the trial, the DfT will categorise the vehicles as 'motor vehicles'. The operators must also take out and maintain appropriate insurance for itself and its users of the scheme as well as public liability insurance.

36. See the Supplementary Advice from the Director of Law and Governance at paragraphs 41 to 45 below.

Financial implications

37. Operators will contribute the cost of traffic orders, parking suspensions (if required) and any other cost incurred by the council in facilitating the trial. Operators will be expected to pay the local authority on a p/vehicle fee basis.
38. Each of the appointed operators (3) will contribute fees to the participating boroughs to cover costs of running the trial. The fees will be calculated on a p/vehicle basis. The fees have been agreed by the participating boroughs at a level which in aggregate does not provide a disproportionate barrier to operators. It is agreed that this money is shared proportionately between local authorities to mitigate any lost income or new costs incurred, i.e. loss in parking revenue, enforcement against operators and any other reasonable costs. Trial costs will be substantively covered by the contributions eScooter operators are required to make to participating boroughs (Southwark would receive the highest amount possible by joining at the outset, as it will be calculated on a pro-rata basis).
39. The nature of eScooter operations means there are negligible capital costs, and as the council can leave the trial at any time, there are no significant financial risks or liabilities.

Consultation

40. The DfT formally contacted the respective cabinet member with responsibility for highways in each London Borough outlining the principles of the scheme and requested each borough to give consideration to joining the trial. Southwark agreed to take part in the wider TfL/London Councils working group in response to this communication.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

40. The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 have been made by the Department for Transport, which allow for trials of rental eScooters to take place.
41. The DfT has also issued guidance which sets expectations for all trials, as well as the vehicles standards and associated user requirements.
42. Contracts have been drawn up between Southwark Council, TfL, and the three eScooter operating companies, which implements the DfT guidance and governs all relevant issues such as parking, distribution and zoning.

These contracts have been approved.

43. A comprehensive Equality Impact Assessment in relation to this proposed trial has been drawn up by Transport for London, attached to this report as a background document. This considers all possible negative impacts in terms of Equality and outlines a range of mitigation measures which demonstrate due regard of the public sector equality duty.
44. It is noted that existing Traffic Orders need to be amended, as set out in paragraph 19 above.

Strategic Director of Finance and Governance

41. This report recommends that the Cabinet Member for Leisure, Environment and Roads gives authority for the London Borough of Southwark to be included in the twelve month pan-London trial of eScooters.
42. The Strategic Director of Finance and Governance notes that the trial is expected to be at most cost neutral to Southwark, as any costs arising as a consequence of the trial are to be offset by contributions from eScooter operators to the partaking boroughs.
43. The Strategic Director of Finance and Governance notes that staffing and any other running costs connected with these recommendations are to be contained within existing departmental budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Equalities Impact Assessment https://content.tfl.gov.uk/rental-escooter-trial-2021.pdf	Environment Directorate, Network Management	Ian Law 0207 525 2170

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Matt Clubb, Director of Environment	
Report Author	John Wade, Head of Service	
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Dated	19/05/21	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here	N/A	N/A
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	22 June 2021	