



<b>Decision Maker:</b>	Cabinet Member for City Management and Air Quality
<b>Date:</b>	16 December 2022
<b>Classification:</b>	For General Release, Appendices E, F, L, M to be exempt from publication by virtue of the Local Government Act 1972 Schedule 12A, Paragraph 3.
<b>Title:</b>	Dockless Rental e-Scooter & e-Bike Schemes
<b>Wards Affected:</b>	All Wards
<b>Policy Context:</b>	This decision contributes to the Fairer Westminster initiative by providing a regulated approach to continue the City Council's participation within the London rental e-scooter scheme until the next decision point is announced from the Department for Transport.
<b>Key Decision:</b>	Key Decision, Due to Impact on All Wards.
<b>Financial Summary:</b>	There is an overall net impact to the City Council in loss of potential parking revenue in the region of £38,000 to date, and the estimated overall net impact will be £46,000 should the City Council continue the trial until May 2024.
<b>Report of:</b>	Amy Jones, Director of Environment

## 1. Executive Summary

- 1.1 This report: (i) provides the Cabinet Member with an update on the performance of the rental e-scooter trial in London, and (ii) seeks approval for this scheme to continue in the City of Westminster along with nine other participating boroughs within Greater London by retaining the designated parking bays exercised under an Experimental Traffic Order (ETO). It should be noted that private e-scooters remain illegal for use on the public highway and cannot be regarded as part of this trial.
- 1.2 The rental scheme has been implemented for 18-months (as of November 2022) and recent announcements made by the Department for Transport (DfT) have allowed existing trials across England to continue until 31 May 2024. This pan-London approach, administered by Transport for London (TfL) and London Councils provides a single geography with consistent parking control, procurement of operators with those leading transport boroughs managing the scheme. This avoids a repeat of patchwork Memorandum of Understanding agreements and operating areas and inconsistent parking controls that we see with the London dockless bikeshare market today.
- 1.3 TfL and London Councils were developing a pan-London dockless vehicle bylaw to provide consistent approaches to managing the dockless market to include e-scooters, dockless bikes and other dockless modes which may emerge. This work is no longer being progressed as any bylaw made is expected to be superseded by any new primary regulatory controls introduced under the new Transport Bill in 2024/25. It is therefore considered that making of the bylaw is no longer the right solution to manage dockless bikeshare schemes currently on the market.

## 2. Recommendations

- 2.1 That the **Appendices E, F, L, and M** to this report be exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A, Paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 2.2 That the Cabinet Member for City Management and Air Quality approves the City Council to remain a participating borough of the London-wide rental e-scooter trial, administered by TfL until further announcements made by the DfT on the future of e-scooters and trial schemes across the UK. At present, the expectant limit of this position appears to align with provisional dates 2024/25, when the proposed new Transport Bill is expected to be passed in Parliament.

- 2.3 That the Cabinet Member for City Management and Air Quality agrees with the procedural recommendations associated with **Recommendation 2.2** and permits the City Council to make the Formal Traffic Management Order consultation for the scheme constituent four Experimental Traffic Orders to be made permanent. These ETOs were made for e-scooter kerbside parking in 58 locations and allow rental e-scooters to be used on cycle lanes and cycle tracks; and
- 2.4 That the Cabinet Member for City Management and Air Quality approves the principle that when the City Council is in a position to review the future of the 68 e-scooter rental bays with the possible introduction of dockless bike rental bays, then sections of unused or 'dead' footway/paved surfaces are considered first. This recommendation is included in this report as it would enable officers to commence planning of our next phases of potential Westminster 'Micromobility' bays. These will be identified outside of this report and approvals will be sought through the Cabinet Member's briefing process, subject to informal consultation as required.

### **3. Reasons for Decision**

- 3.1 To allow service continuity for the rental e-scooter trial and to align it to the extended DfT timelines nationally, and to ensure that scheme users can access Westminster for parking and 'Ride-throughs' to other participating areas of the trial. The extension also allows further monitoring and will give us a better understanding of how dockless schemes can be safely accommodated on London's streets. There is no reason to report at this present time whether the scheme is successful and seeing increased ridership, or otherwise, as this trial is primarily about the determination of a sound regulated and safe new mode of Micromobility personal transport.
- 3.2 The trialling of 68 e-scooter bays was a result of the City Council's decision to manage the scheme under a bay-approach as opposed to a 'free-floating' parking model, of which some, if not most, of the currently unregulated dockless e-bike operators are using/ imposing on many of London's streets. The clearly marked and traffic order derived trial bays have so far proven to be more effective at managing dockless mobility, when compared against the free-floating parking model. Our 'Dead Space' underused footway spaces designated for e-scooter parking have in particular received no objections and posed no known issues from those with protected characteristics, such as those visitors who are blind or partially sighted. This experience so far does not mean that the City Council should consider the implementation of more bays on its well-used footways, but there is evidence that the Dead Space areas are viable on a full site by site evaluation basis.

- 3.3 Micromobility remains to be a fast-changing sector and the details and timelines of regulatory powers desperately needed from the DfT are unknown. There is a need to ensure existing kerbside e-scooter parking allocations are retained to flexibly meet the demands of the market and to provide much needed kerbside spaces to manage parking for dockless vehicles and continue to prioritise footways for pedestrians.
- 3.4 It is reminded that participating boroughs continue to have the right to exit the trial at any point if deemed necessary. Any redundant would bays return to an alternative use to meet the changing demands of our kerbside allocations.

#### **4. Background, including Policy Context**

##### **Department for Transport**

- 4.1 The London-wide rental e-scooter trial was launched in June 2021 and led by TfL and London Councils. This scheme is one of several trials across England that are authorised by the DfT.
- 4.2 The active area covered includes ten participating London boroughs and users of the scheme can complete a continuous trip from Ealing, Richmond upon Thames from the West to Tower Hamlets in East-Central. (See **Appendix C** for coverage)
- 4.3 The City of Westminster joined the twelve-month trial with the option to extend for a further six-months in August 2021, following approval of the Cabinet Member Report (Rental E-scooter Trial – November 2020 **Appendix A**).
- 4.4 Some months in, TfL had communicated to participating boroughs their intent to align the London scheme to the DfT extension for a further six-months with the existing operators (Dott, Lime & TIER) using existing contractual mechanisms. In response it is reminded that the Cabinet Member for City Management and Air Quality approved Officer's recommendation for the City of Westminster to remain in the trial aligning with National and London extension dates in May 2022.
- 4.5 The above trial extension has allowed a period of further and improved data collection over a somewhat matured scheme into the summer of 2022, compared to the previous summer when the scheme was first launched. During this time pandemic restrictions were still in play and only lifted after July 2021. Thereafter, the London commuting and leisure travel patterns started to return to some normality, albeit still at lower levels for some areas.
- 4.6 Since then, the DfT have provided two further updates in summer 2022:
  - 1) A further extension to allow all existing trials in England to continue until 31 May 2024.

- 2) A new Transport Bill is expected in 2024/25 as part of the Government's long-term policy review, which may include primary legislations changes and the introduction of a new vehicle class for 'Low Speed Zero-Emission Vehicles' (LSZEV). This should capture the technologically advancing micromobility sector and therefore be expected to: Take a position on making private e-scooters legal on English roads; Introducing a framework for a statutory licensing regime for the regulation by local authorities of rental e-scooters and e-bikes; The creation of a legislation pathway for the operation of autonomous vehicles on the public highway; and to introduce a licensing system for the unregulated London pedicab market and possibly those outside of the capital.
- 4.7 Subject to the Bill becoming statutory legislation, any e-scooter rental scheme activities beyond May 2024, or whenever, will be subject to further announcements made by the DfT about how they should progress. At the time of writing, it is TfL, London Councils and the other nine participating borough's intention to remain in the trial until such further guidance are announced by the DfT.
- 4.8 For the avoidance of doubt private e-scooters will remain to be illegal for use on public roads, including cycle lanes until additional regulatory updates are published via the above upcoming Transport Bill.

#### **Transport for London & London Councils**

- 4.9 TfL and London Councils will continue to be the leading authorities to administer the London e-scooter trial on behalf of all London-boroughs who wish to participate. They will have strategic oversight across all participating areas and will continue to manage the co-ordinating functions, ensuring consistency, commercial procurement expertise, IT system support and data collection requirements.
- 4.10 Existing operators, and potential new bidders of the scheme from the procurement competition set to conclude in summer 2023 will need to adhere to strict standards set by TfL and London Councils that will predominate in a standard manner across the whole operating area. This will avoid any unwelcome patchwork of different schemes and rules imposed by boroughs.

#### **Participating Boroughs**

- 4.11 The City Council as a participating borough will continue to be responsible to setting local kerbside management specific criteria, such as the designation of parking spaces and restricted areas for lower speed limits and access through geofencing technology.
- 4.12 Mechanisms are in place to permit any new additional boroughs to join the trial scheme and it is understood that a select number are in discussions with TfL and London Councils to progress, subject to their local Governance approvals.

## **Parking**

- 4.13 Dockless schemes generally do not require parking infrastructure which can make them appear to be 'free-floating', which in turn can increase flexibility in journeys and promote behavioural changes and modal shift. However, there is an impact on the public realm as deposited dockless vehicles can increase street clutter and cause highway obstruction especially for pedestrians. It is therefore the duty for Local Authorities to designate parking bays for such rental schemes on both footways and carriageway kerbsides, whichever deemed to be appropriate to meet local requirements.
- 4.14 The City Council commissioned rental e-scooter bays were primarily designated on the kerbside within the carriageway under an Experimental Traffic Order (ETO). This minimises the impact on footway accessibility and reduces the likelihood of footway riding for riders arriving or exiting a bay. However, it was recommended under certain circumstances marked footway parking bays were permitted on certain sections of public footway or paved area that are not on a pedestrian desired line and thus considered to be 'Dead space', e.g., a paved traffic island location.
- 4.15 The implementation of carriageway bays under ETO allows officers to install and remove e-scooter bays without a formal Traffic Management Order (TMO) consultation. The ETO for the 58 kerbside bays is permitted for an 18-month duration before a decision is needed to make such changes permanent.
- 4.16 It is an offence under the Greater London Councils (General Powers) Act 1974 to park any mechanically propelled vehicles with one or more wheels on any part of the footway. A Cabinet Member Report was approved in June 2021 (Rental e-scooter Trial – Footway site locations **Appendix B**) to make ten unused footway spaces exempt for e-scooter parking. Those bays are monitored and assessed the impacts footway designated parking bays and will help to better understand how micromobility vehicles can be safely accommodated on Westminster's Streets.
- 4.17 Also, the trial will contribute to the following City of Westminster's 2019-2040 City Plan objectives:
- S25, A – The council will support a sustainable pattern of development which maximises trips made by sustainable modes, creates safer streets for all, reduces traffic, improves air quality and reflects the objectives in Westminster's Transport and Public Realm Programme
  - S26.7 – enabling people to lead healthier, more active lives, can help to reduce the pressure on highways capacity and public transport, facilitate improvements to the public realm and enable greater numbers of people to use the existing road space;

- S26.8 – increase shift from the motor car, resulting in reduction of harmful emissions and leading to improved air quality.
- 4.18 Also notable is that the Metropolitan Police Service (MPS) continue their support to the London scheme. They remain to be a stakeholder and are working closely with TfL and London Councils in respect to their efforts on enforcement of privately-owned e-scooters on public roads.

## 5. Experience in the Trial to Date – A Reporting Summary

### Department for Transport and Transport for London

- 5.1 At the time of writing, the DfT have communicated that they intend to publish an e-scooter trial report at the end of 2022. An interim DfT report was also to be published in mid-2022 but this did not materialise. TfL continue to publish headline reports specifically to the London trial, the next quarterly report will be issued in early 2023. This will include up-to-date verified figures and activities with metrics on utilisation, trip, understanding usage, user groups, safety, incidents and education, marketing and outreach. The TfL reports will not be conclusive about the overall trial in London or the wider schemes across England.

### Utilisation

- 5.2 Since launch, the London scheme has reached 2 million trips (November 2022), with an original fleet size of 600 which grew to 4,425 (November 2022) with additional boroughs joining with extra parking capacity. In context, it is advised the comparable and yet mature TfL Cycle Hire (Santander scheme) frequently recorded averages of 800,000 to 1 million trips per month in 2022. This well-established scheme has approximately 12,000 vehicles with around 800 parking locations and have been implemented since 2010.
- 5.3 For the 68 Westminster bays there was originally a steady growth in usage, which peaked between June and July 2022, when the scheme had one year of maturity and is helped with the warmer and drier summer period, both consecutive months reaching 180,000 trips. However, the number of monthly trips saw a continued decline from July 2022 to November 2022. This consistent downward trend is understood to be caused by seasonal usage trends, alongside the fact that most of the dockless e-bike rental companies flooded London's streets with thousands of additional bikes for hire since July 2022, (see **Appendix D**). It is likely that this dockless bike fleet size increase correlates to their higher usage and thus lowering the usage of the e-scooters, and this could be an early indication of the e-scooter's longer-term viability as a scheme.

- 5.4 This trend suggests that dockless e-bikes are generally more accessible and popular with the lack of agreed designated parking bays, higher speed limits and lack of driver's licence verification process which is in place for the e-scooter rental scheme.
- 5.5 Also noteworthy is that Notting Hill Carnival and Operation London Bridge (Queen Elizabeth II's funeral) were special events that took place in August and September 2022. These included the introduction of temporary geo-fenced no-go zones for the rental e-scooters with several designated parking bays removed which will have contributed to a reduced number of trips during those periods.
- 5.6 Westminster and Camden together account for over 50% of total trips taken across the whole London scheme (May 2022). And both boroughs account for approximately 25% of all trips since the launch and remain to be the boroughs with the highest usage. (see **Appendix E & F**).

### **Trip Characteristics**

- 5.7 Average trip distance in the scheme is 2.6km, with the average trip duration lasting 17 minutes. There is no evidence to suggest e-scooter trips are replacing walking trips. (see **section 5.20 - Mode shift**).
- 5.8 Trip patterns show that approximately 30% of all trips start within a very small area that amounts to only 4% of the scheme's whole coverage. In Westminster, almost 45% of trips starts are in St. James's, West End and Marylebone High Street wards. Those same wards generally have a balanced number of recorded trip ends. (see **Appendix G**)
- 5.9 Of the 68 parking bays in Westminster, Northwest of the borough including Queen's Park, Harrow Road) has the highest parking density but has recorded some of the lowest usage across the borough. The parking bay density in other residential wards are lower, and trip start, and ends are greater as a result. In contrast, bays in St. James's, West End and bays around The Royal Parks recorded the highest number of trips start and ends. These areas could benefit from a higher parking density network and will relieve issues of overflowing bays. (see **Appendix G**). Note all parks under the management of The Royal Parks are designated no-go zones.

### **Safety**

- 5.10 Under the DfT guidance, use of helmets is not compulsory, however under TfL & London Council's proposal, borough officers have strongly recommended the use of helmets during hire, and it is expected that the operators will actively encourage users to wear a cycle-compliant helmet during use. Incentives have been made for users for discounted trips with certain operators when proof of use of a helmet can be provided.



- 5.11 E-scooters are currently not identified by the DfT as a vehicle type under STATS19 (a database for all road traffic accidents resulting in a personal injury that were reported to the Police within 30 days of the incident) and are categorised as 'other vehicles'. There are also no means to distinguish between privately-owned vehicles and vehicles permitted in the trials. The DfT intend to introduce a new category under "powered personal transport device" in 2024 for improved collisions information and reporting.
- 5.12 Based on the above, current reporting on safety is limited and developed via self-reporting system by operators, and manually filtering free text field under STATS19 reporting undertaken by the Police and TfL.
- 5.13 To maintain consistency with the definitions used by TfL for road collisions, which follows the DfT's STATS19 definitions, serious injuries are categorised as for which a person is detained in hospital: fractures, concussion, internal injuries, crushing, burn (excluding from friction burns), severe cuts, severe general shock requiring medical treatment and injuries causing death 30 or more days after the collision.
- 5.14 Across the full duration of the scheme so far there has been 0 fatalities and 22 serious injuries recorded since the start of the trial (November 2022, see **Appendix I**). The trend for serious injuries has fallen over time, despite the increased usage as the scheme matures. Serious incident rates in the first three months of the trial was 3.1 per 100,000 trips, which dropped down to 0.7 per 100,000 trips (March – May 2022). (**See Appendix J**)
- 5.15 Westminster recorded the highest number total incidents of any borough with 36 of 172 (21% of total, September 2022). However, it is worth noting the borough also accounted for 25% of total trips of the trial. Of the 36 recorded incidents, Westminster accounts for 21% of all minor incidents, and 16% of all serious incidents. (**see Appendix J**). We will continue to monitor the collision history for this maturing mode.
- 5.16 'Go Look See' assessments have been conducted for all three serious incidents that had occurred in Westminster by the Road Safety Officer, along with the relevant operator(s) and colleagues from TfL. This is a procedure normally conducted for 'fatal' and 'life threatening' casualty related traffic accidents but it was an officer's recommendation to apply this process for 'serious' incidents for this new form of transport. The outcomes have all been rider-behaviour orientated and are not specific to the vehicle type, so there is currently no evidence from the recorded serious incidents in Westminster to suggest e-scooters are no more dangerous than other comparative modes e.g., by bike.

### **Parking Compliance**

- 5.17 All three operators of the trial define and measure parking compliance differently, therefore it has not been feasible to compare reporting results meaningfully. TfL are developing new means to measure and compare data reported more consistently, which they plan to share as part of their ongoing quarterly reports once results are comparable and verified.
- 5.18 'GPS' drift remains to be an issue by limiting the true potential of geofencing technology.

### **Demographic**

- 5.19 This data is collected directly by the DfT and will be published when their evaluation report on the trial is ready. There are no interim reports issued to date.

### **Mode Shift**

- 5.20 The DfT worked with operators across all trial areas to collect mode shift and trip purpose data, up until 31 March 2022. This information will only be shared by the DfT once they publish their rental e-scooter trial evaluation report, at some point in the future.
- 5.21 As a result of the DfT not in a position to publish their trial evaluation report due to various delays, TfL have been collecting mode shift and trip purpose data directly from operators since July 2022, via in-app, post-ride user surveys for several months. TfL will be analysing the mode shift and trip purpose data collected, as well as other measures of sustainability, and presenting the insights in their interim monitoring and evaluation report, to be published in early 2023. This report will cover data from the trial's start in June 2021, up to November 2022.
- 5.22 This persistent delay in us understanding what trends prevail through the trial is disappointing. As we remain unsure whether the trial has merely abstracted commuters from more active travel modes such as walking, cycling and using the wide public transport network with buses, underground and rail. Or whether there has been a more welcome transference from driving a car, riding a Taxi or a Private Hire Vehicle. Until we receive meaningful usage data from the trial scheme, we are unable to conclude whether it is a positive contributor to our Zero Carbon and Health and Wellbeing ambitions.

### **Complaints – Outside of the ETO Consultation Process**

- 5.23 A total of 64 complaints were received by the City Council outside of the Experimental Traffic Order consultation. 49 of these relate to the specific parking bays and the remainder to the operators, user behaviour and safety of the scheme. The remainder are in relation to the overall trial and concerns over

safety. For context, from October to November 2022 alone, dockless bikes received approximately 109 complaints.

- 5.24 No objections have been received as part of the ten footway bays designated on unused spaces and traffic islands on the network. We will continue to monitor the number of complaints as a means to gauge public and stakeholder support over the remaining part of the ETO period and any subsequent Traffic Management Order made.

### **Experimental Traffic Order Consultation – Monitored Complaints**

- 5.25 A total of four ETO's covering Westminster parking zones A and E, parking zones B, D and F, parking zones C and G and a borough-wide order allowing rental e-scooters to access Cycle Lanes & Cycle Tracks were all implemented for the e-scooter trial.
- 5.26 A total of 35 negative, four mixed and zero positive comments have been received over the course of the 16-month formal consultation period from the three ETO's made for the 58 kerbside bays. The general trend of concerns is generally not contentious and summarised as:
- Dangers caused by damaged and knocked-out bollards being abandoned or left in a haphazard manner outside the confines of the designated parking bay **(17%)**
  - Anti-social behaviour or noise associated with the presence of e-scooters available for hire **(16%)**
  - The inappropriateness of the e-scooter bay location (residents favoured the bays being either nearer more commercial areas or in more general open areas, rather than outside residential properties **(16%)**)
  - The location of a e-scooter parking bay posing a danger to other road users **(13%)**; and
  - The risk of accidents to riders of e-scooters or to other road users **(8%)**
- 5.27 Of the above fourth ETO that was implemented to permit the use of rental e-scooters authorised by the DfT to use under the trial on any cycle lanes and tracks within the borough. This received no comments during the course of the consultation.

## **6. Scheme Proposals - Next steps and re-Procurement of Operators by Spring 2023**

### **Transport for London**

- 6.1 Current providers of the scheme (Dott, Lime & TIER) contracts have been extended until a new procurement is completed by TfL for the purpose of service continuity beyond 20 November 2022. However, there is a need to procure a new contract of approved operators if the scheme is to extend right up to the new DfT extension date of 31 May 2024.

- 6.2 A review of the specification of the trial, which was written in 2020, was completed by TfL with the support of participating borough officers to improve the service for the purpose of the new procurement exercise.
- 6.3 The new operator procurement process commenced in October 2022 and is expected to complete and winning bidders announced in April/May 2023. Transition to the successful bidders and new service specifications will take place in early summer 2023 once the successful bidders are announced, whom will be delivering the service until the current trial end date in May 2024.
- 6.4 The revised specification sought for service improvement for all stakeholders, including TfL, London Councils, participating boroughs and operators of the scheme. **(See Appendix L)**
- 6.5 Borough officers lobbied for dual-mode (e-scooters & e-bikes) procurement. However, the lack of existing legislation limits the ability for TfL to procure a dual-mode contract. Therefore, dockless bikes remain to be out-of-scope until the Transport Bill is passed in 2024/25.
- 6.6 The Cabinet Member for City Management and Air Quality will be advised when the new agreements have been awarded, and of any variation to the above, by TfL and London Councils in early 2023.

#### **The Interaction with the Evolving Dockless Bikes Sector - and Their Association with the E-scooter Trial. Our 2022/23 Strategy Review**

- 6.7 The dockless bike sector has been operating on Westminster's streets without formal agreements in place. This unwelcome outcome had led to the hiatus in summer 2022 when four of the dockless bike operators elected to swamp much of Westminster and central London with more bikes, a minority of which have been left on our footways in the path of pedestrians by inconsiderate hirers. This led to our policy and resourcing of a removals service of those that are judged to be a danger to pedestrians, especially those less mobile.
- 6.8 To this end, the City Council is reviewing its strategy on the fast-evolving micromobility sector. In spring 2023, we are still planning to consider:
- First the need for the signing of informal Memorandum of Understanding (MoU) agreements with all four dockless e-bike companies Dott, Lime, TIER and Human Forest in Spring 2023
  - Then simultaneously over Spring 2023 and thereafter to scope, consult, scrutinise then formally adopt a new 'Micromobility bays' policy that would seek to implement a system of TMO managed kerbside bays with the addition of unused footway space parking bays that would combine for both

e-scooter and approved e-bike rental vehicle parking. Potentially with caps on the number of vehicles, if possible, and strict compliance requirements.

- 6.9 As part of the above possible transitioning pre-existing ETOs for the 58 e-scooter bays on the kerbside can be made permanent or removed if deemed unsuccessful.

**7. A Summary of Progress to Date Under the ETO Process and Proposed Timelines for the Next Proposed TMO Making Stage**

- 7.1 The key dates of the ETOs, the original TfL contract, its relet and future TMO making for the scheme are as follows:

June 2021	Scheme launches in limited boroughs in London
July 2021	Making of the Experimental Traffic Order (ETO), duration maximum 18 months in Westminster
August 2021	Westminster joins the trial
March 2022	DfT announces trial extension to 20 <sup>th</sup> November 2022
June 2022	DfT announces plans for new Transport Bill and current trials to be extended to 31 <sup>st</sup> May 2024. Some believe the Bill will be delayed to 2025.
August 2022	TfL development of contract specification for the contract relet
October 2022	Existing e-scooter contracts extended  TfL launches new procurement for bidders for service continuation of the trial beyond 31 <sup>st</sup> May 2024.
December 2022	City of Westminster Traffic Management Order (TMO) report published – in respect to the ETOs in place since July 2021 for the 58 e-scooter bays located on kerbside  DfT e-scooter evaluation report (expected)
January 2023	The four ETO expires for e-scooter parking bays and permission of rental e-scooters to be used in designated cycle lanes and tracks. This report seeks approval for these

	ETOs to be made permanent before they expire.  TfL Interim report published
Spring 2023 and rest of year	New City Council Micromobility Strategy adopted. Leading to subsequent and wholesale transformation to the procurement of rental e-scooter bays, newly devised dockless bike bays and even private e-scooter bays if made legal through the passing of the Bill in 2024/25+ Possibly in Westminster to be known as Micromobility bays These could lead to formal TMO consultation for introduction of dual-use bays for both e-scooters and bikes.
May 2023	TfL contract award for successful bidders which may/may not be the current operators Dott, Lime and TIER  Operators demobilisation/mobilisation of their new/ or enhanced operations
Summer 2023	New contracts in place and service continuity
May 2024	Current end date for e-scooter trials
2024/25	New Transport Bill enacted  Future of 'rental e-scooter trials' to be determined by the DfT.

## 8. Outstanding Issues

- 8.1 The City Council is developing a micromobility strategy, aiming to be approved and adopted over Spring 2023 onwards.
- 8.2 The dockless bike market remains to be unregulated and any new dockless operators in addition to the current four (Dott, Lime, TIER & Human Forest) can launch without notice and potentially add more street clutter of dumped bikes on our footways, public open spaces etc. In the absence of any regulatory control on this market, a successful scheme is reliant on a compliant market which can be variable in our experience to date. The unregulated market continues to put pressure on the existing e-scooter scheme as it is regarded to be more accessible and popular for users.

- 8.3 With no pan-London approach to dockless bikes, we are seeing patchwork agreements in regard to both procurement and Memorandum of Understanding (MoUs), creating a lack of consistency on user behaviour and the level of control expected of dockless bike operators.
- 8.4 Learnings to date from dockless schemes in general is that parking control remains as the primary issue and Local Authorities continue to seek control over parking. Which, in the case of rental e-scooters has been successful due to the additional regulatory measures introduced by the DfT to make these vehicles road-legal.
- 8.5 TfL, London Councils and boroughs officers continue their work to lobby the fast tracking of dockless bike regulations prior to the currently expected timeline for the new Transport Bill which is expected in 2024/25. At present, this much needed fast tracking of such regulations is unlikely.
- 8.6 At the time of writing, there are intentions for TfL to undertake a single procurement for all micromobility schemes to capture dockless e-scooter, e-bikes and docked TfL Cycle Hire scheme. Such a coordinated approach will yield user benefits and a more functional cross London market. This approach will also offer a single geography for users, creating a more viable multi-modal transport option and offer different choices of micromobility for users depending on their physical and journey preference. These proposals are in its early stages, and it is not known how this may work in practice nor will it be something that can be accomplished, given the complication of the different tiers of Governance and a consistent agreement or delegated authorities may be needed from all boroughs involved.
- 8.7 Parking density remains to be the main key for a successful scheme, it is expected the continuation of any micromobility scheme will need to consider growth in parking network to ensure accessibility for all demographic and geographic users across the London network. This will need to take full account of early changes in consumer demand for both e-scooter rental and dockless bike rental.

## **9. Financial Implications**

- 9.1 At the start of the trial, it was estimated the scheme would be cost-neutral to the City Council with costs recovered from the operators of the scheme via TfL.
- 9.2 Total costs for design and implementation, along with TMO charges including risks and contingency amounts to £50,000.

- 9.3 A total of 20 parking bays were converted to e-scooter bays, which is equivalent to an estimated £33,000 of annual income through the type of bay and their zone allocation. To-date, an equivalent a loss of £49,500 from parking income over 18-months (November 2022).
- 9.4 Under the TfL’s specification and fee structure and monthly apportionment payments, a fee is paid to the City Council based on the number of trips recorded in the borough. So far, the combined income generated from the scheme including the one-off upfront fee to set up the trial equates to approx.. £62,000 (November 2022). At the time of writing, the net loss to the City Council is £38,000 (November 2022).
- 9.5 No further funding is required if a decision is made to extend the trial until end of May 2024. However, there will be ongoing maintenance costs which is expected to fall in the region of £15,000 over three years. The extension to May 2024 of 18 months is projected to generate an additional £56,000 revenue.
- 9.6 In totality, the scheme will cost approximately £65,000, and will generate income of approximately £118,000 over the three-year period. However, because of the loss of parking bays this will result in lost parking income of £99,000. Overall, the estimated net impact to the City Council results in a loss of £46,000. However, any increase in utilisation (increased number of trips) in the next 18-months will result a higher level of revenue income generated from TfL’s monthly apportionment payments to the City Council, which could mitigate the net shortfall shown in table 9.7, The final position to be unknown until the end of the scheme in May 2024.
- 9.7 Finance Summary

<b>Over 3 years (36-months of participating trial)</b>	<b>£</b>
Implementation	50,000
Maintenance of street furniture (estimated)	15,000
<b>Total Expenditure</b>	<b>65,000</b>
Actual Income (18-months)	(62,000)
Projected Income (18-months)	(56,000)
<b>Total Income</b>	<b>(118,000)</b>



<b>Project Net Position</b>	<b>(53,000)</b>
<b>Indirect loss of parking income</b>	
Potential loss of revenue from parking bays (estimated)	99,000
<b>WCC Net Position in May 2024 (estimated)</b>	<b>46,000</b>

## 10. Legal Implications

- 10.1 TfL has formally confirmed in all other respects, that the terms and conditions of the signed Participating Agreement shall continue to apply until further notice.  
**(Appendix K)**
- 10.2 The management of the operation of e-scooters within Westminster will be exercised by the City Council in accordance with regulations issued by the DfT. By continuing to participate in the trial, the City Council agrees it fully comply with any regulations issued by the DfT.
- 10.3 Section 15 of the Greater London Council (General Powers) Act 1974 enables the City Council to authorise, by resolution the parking of mechanically propelled vehicles (e-scooters) on the footway.
- 10.4 The City Council as local highway authority will continue to exercise its existing powers of removal and seizure of non-compliant dockless bikes under the Highways Act 1980 where they are found to be a dangerous obstruction.
- 10.5 Legal Services (ref Isaac Carter) has reviewed this report and is satisfied that the proposed works and orders fall within the statutory powers as detailed in 10.3 and 10.4 above.

## 11. Consultation

- 11.1 Ward Members were consulted in May 2021 with proposed designated parking bays, along with restricting operating zones such as go-slow areas and no-go areas. Comments received were considered and officer's recommendations were put forward for Cabinet Member approval prior to Westminster joining the trial.

- 11.2 Since then, several designated parking bays and operation zones have been reviewed and changes have been made accordingly.
- 11.3 As part of the Experimental Traffic Order (ETO) implementation of the designated parking bays, any comments and objections received in the first 16-months will be considered and responded accordingly as part the formal Traffic Management Order consultation.
- 11.4 As a result of the above its reminded that a total of four ETOs covering parking zones A and E, parking zones B, D and F, parking zones C and G and a borough-wide covering Cycle Lanes & Cycle Tracks were implemented for the e-scooter trial.
- 11.5 TfL and London Councils has reached out to key stakeholders including disability groups and groups with protected characteristics highlighted to be most vulnerable from the overall scheme, prior to the trial launching in London. For our Equalities Impact Assessment (EQIA) that was undertaken for the trial please see section 12.4 of this report.
- 11.6 If from Spring 2023, the City Council elects to develop and implement a transformational programme of new Micromobility bays this would be subject to an extensive and inclusive public consultation campaign over mid-2023 and beyond.

## **12. Equalities Implications**

- 12.1 Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and
  - to foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 12.2 The council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to:

- the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic;
- take steps to meet the needs of persons sharing a protected characteristic that are connected with it;
- take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and
- encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

12.3 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.

12.4 Officers have considered the need for an Equalities Impact Assessment (EqIA) to have been completed by the City Council prior to the launch of the scheme. (**see ‘Background papers’**)

### **13. Carbon Impact Assessment**

13.1 A carbon impact assessment was not completed for the implementation of the scheme in 2021. This was not a requirement when the report that sought the approval for the City Council to participating in the trial in 2020. However, this can be done retrospectively if deems to be a requirement for the remainder of the trial period, and beyond should the scheme be made permanent.

13.2 However, it is expected the carbon impact of the scheme to date, is minimal. The conversion of existing bays mostly required redesigning of Traffic Management Orders, and minor works on road-marking, and installation of protective wands.

13.3 If the modal shift data to be published by DfT and TfL in due course can demonstrate mode shift from car users using fossil fuel type vehicles to e-scooters, then it is expected the scheme will be carbon positive.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Steve Tse on 07811 238504 or email: [stse@westminster.gov.uk](mailto:stse@westminster.gov.uk)**

## **BACKGROUND PAPERS:**

Westminster's City Plan

<https://www.westminster.gov.uk/media/document/city-plan-2019-2040>

Equality Impact Assessment – Westminster

<https://www.westminster.gov.uk/media/document/equality-impact-assessment->

## **APPENDICES:**

**Appendix A** – CMR – Rental e-Scooter Trial

**Appendix B** – CMR – Rental e-Scooter Trial Footway Site Locations

**Appendix C** – Current Active Rental e-Scooter Trial Area

**Appendix D** – Westminster Rental e-Scooter Trip Data

**Appendix E** – (Exempt from Publication) Trip Per Borough

**Appendix F** – (Exempt from Publication) Parking Capacity

**Appendix G** – Map of Westminster Parking Bays Utilisation

**Appendix H** – Total Trip Starts & Ends Per Parking Bay

**Appendix I** – London e-Scooter Trial Headline Metrics

**Appendix J** – Serious Incidents Per 100k Trips

**Appendix K** – Distribution of Casualties by Borough

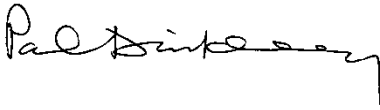
**Appendix L** – (Exempt from Publication) TfLs Contract Relet Updated Specifications

**Appendix M** – (Exempt from Publication) Participation Agreement - Westminster

For completion by the **Cabinet Member for City Management & Air Quality**

**Declaration of Interest**

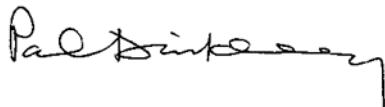
I have <no interest to declare / to declare an interest> in respect of this report

Signed:  Date: 16/12/2022  
NAME: **Councillor Paul Dimoldenberg**

State nature of interest if any .....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled **Dockless Rental E-scooter and E-bike Schemes** and reject any alternative options which are referred to but not recommended.

  
Signed  
Cabinet Member for City Management and Air Quality  
Date .....16/12/2022.....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....  
.....  
.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law , Chief Operating Officer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Members: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

## **Other Implications**

### **1. Resource Implications**

1.1 There are no known resource implications arising from this report.

### **2. Business Plan Implications**

2.1 There are no known Business Plan implications arising from this report.

### **3. Risk Management Implications**

3.1 There are no known risk management implications arising from this report.

### **4. Health and Wellbeing Impact Assessment including Health and Safety Implications**

4.1 There are no known Health and Wellbeing Impact Assessment including Health and Safety implications arising from this report.

### **5. Crime and Disorder Implications**

5.1 Regulated dockless parking should help reduce anti-social behaviour and incidents.

### **8. Staffing Implications**

8.1 There are no staffing implications arising from this report.

### **9. Human Rights Implications**

9.1 There are no human rights implications arising from this report.

### **10. Energy Measure Implications**

10.1 There are no energy measure implications arising from this report.

### **11. Communications Implications**

11.1 Communication with Cabinet Member for City Management & Air Quality and other key stakeholders will continue throughout the future stages of the rental e-scooter trial.