



City of Westminster

Cabinet Member Report

**Meeting or Decision
Maker:**

The Cabinet Member for City Management

Date:

16 June 2021

Classification:

For General Release

Title:

Rental E-scooter Trial – Footway site locations

Wards Affected:

All Wards

City for All

This decision contributes to the City for All initiative, by approving appropriate locations on the highway for rental e-scooters for the London-wide pilot. The scheme will provide an alternative and greener transport mode for people in Westminster and other participating boroughs. The safety of individuals on our streets, including footways, is of paramount importance.

Key Decision:

This report is a key decision

Financial Summary:

None

Report of:

Director, City Highways

1. Executive Summary

- 1.1 This report provides the Cabinet Member with an update on the development of the rental e-scooter trial in London and seeks approval for the City Council to allow footway parking on ten unused locations on the highway for type-approved vehicles that will be operated under the pilot.
- 1.4 As a result of the COVID-19 pandemic response, the rental e-scooter trial has been fast-tracked by the Department for Transport (DfT) and the existing Greater London Dockless Vehicle Byelaw working group, led by Transport for London (TfL) and London Councils (LC) who were appointed to formalise a trial for the Greater London area, utilising experiences from the bylaw officers working group.
- 1.5 To minimise impact of an introduction to dockless mobility on the public realm, rental e-scooters can only be stored in designated bays via a traffic order marked out by the participating Local Authority, and geofencing technology will restrict vehicles from being left only in such areas when not in hire. This approach will increase parking regulation over the 'free floating' parking model of which many other cities have adopted and have proven to cause street clutter and obstructions on the public highway.
- 1.6 It should be noted that private non-TfL scheme e-scooters will still be classified as illegal and cannot be ridden on the public highway and thus are not applicable to this report.

2. Recommendations

- 2.1 That the Cabinet Member for City Management approves the list of proposed ten unused footway locations set out in (Appendix C) for rental e-scooter parking.

3. Reasons for Decision

- 3.1 The rider and/ or operator of any mechanically propelled vehicles parked with one or more wheels on the footway is currently guilty of an offence under the Greater London Councils (General Powers) Act 1974. Agreement to the above recommendations in this report will provide exemption for the City Council to permit rental e-scooters to park on strictly designated highway locations in Westminster for the trial period.
- 3.2 This approach will enable the City Council to monitor and assess the impacts of both footway and carriageway designated parking bays for rental e-scooters and better understand how micromobility vehicles can be safely accommodated on Westminster's Streets.

4. Background

- 4.1 The rental e-scooter trial was approved by the Cabinet Member for Environment & City Highways on 29 November 2020, a copy of the report is attached at Appendix B. The City council has informed TfL and London Councils that it will aim to participate in the earlier phases of the pilot, providing that the council is satisfied that the necessary documentation and DfT guidance is in place.
- 4.2 Most existing dockless schemes do not require parking infrastructure which makes them '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 dockless vehicles can increase street clutter and cause highway obstruction if parking is left unregulated and, e.g. dockless bikes are lying on the footway in the way of pedestrians. It is therefore the duty for Local Authorities to designate parking bays for such rental schemes on both footways and carriageways, whichever deemed to be appropriate to meet local requirements.

5. Regulation and Enforcement

- 5.1 DfT made regulatory changes for the rental e-scooters to be regulated in a manner similar to pedal cycles whilst with the added safeguard of classifying these formally as motor vehicles, i.e. similar to a moped. The relevant motor vehicle insurance will be provided through the operators, and vehicles must meet requirements for vehicle construction and approved by the DfT; or be authorised by a Vehicle Special Order issued by the Secretary of State to be used in the trial. In line with this tightened regulation of such vehicles all scheme users must demonstrate that they hold a provisional driver licence or a full one.
- 5.2 Footway riding will not be permitted under the trial, except for cycle lanes (*part of the carriageway marked with a formal lane allocated for cyclists*) and cycle tracks (*a right of way for pedal cycles with or without right of way on foot. It can be part of public highway adjacent to a carriageway, or a separate highway in its own right*) where primarily legislation has been amended for rental e-scooters to be regulated, in a similar way to how this relates to pedal cycles.
- 5.3 Currently, any vehicles (defined as any mechanically propelled vehicles, which will include any rental e-scooters in the trial) parked in Greater London with one or more wheels on any space other than a carriageway is guilty of an offence. However, exemptions can be made by the City Council if deemed to be appropriate.
- 5.4 Footway parking enforcement is usually undertaken by the City Council issuing Penalty Charge Notice (PCN) to offending licensed vehicles by using their vehicle registration mark (VRM). However, e-scooter vehicles approved in the trial will only have unique identification numbers and will not have a valid VRM.

- 5.5 Taking account of the above although there is no mechanism in place to formally prosecute offending rental e-scooters parked on the footway, it is advised that a formal decision is still needed by the City Council to authorise footway parking for rental e-scooter vehicles on any part of the footway.

6. Policy Alignment

- 6.1 Authorised footway parking for rental e-scooter will support the trial and contribute to City of Westminster's 2019-2040 City Plan objectives. It is intended that the implementation of the trial will address the following policies:
- 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 and Local Implementation Plan 2019/20 to 2021/22;
 - 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.

7. Scheme Proposals – the identification of unused footway spaces

- 7.1 The City Council will not be supporting a 'free-floating' dockless parking model that does not include the provision of marked parking areas. Instead rental e-scooter parking bays will primarily be proposed on the kerbside within the carriageway. This will minimise the impact on footway accessibility and reduce the risk of e-scooter riding in the path of pedestrians. However, it is suggested under certain circumstances footway parking should be made exempt, e.g. where pedestrians don't need to typically access.
- 7.2 Ward Members have been consulted and identified a formal list of proposed parking bays for both unused footway sites (Appendix C) and carriageway sites (Appendix D).
- 7.4 Only vehicles owned and managed by the approved operators: Dott, Lime & TIER will be permitted to park in authorised and marked out bays provided by the City Council, including exemption on unused footway parking locations.

8. Programme

8.1 Key dates for the pilot are as follows:

January 2021	TfL procurement for e-scooter operators, bid evaluation process.
February 2021	<p>TfL & DfT vehicle testing and approval process, contract negotiation. Ministerial approval of the London trial.</p> <p>DfT confirming statutory instrument to allow vehicles to be ridden on cycle tracks under Traffic Signs Regulations and General Directions (TSRGD).</p> <p>Development of a City Council parking maps and 'operational area' plans. Legal review on TfL final documentation.</p>
March 2021	<p>TfL contract award to successful bidder(s).</p> <p>City Council Call-off process/CGRB papers present to board. Finalise proposed parking map and 'operational area plan' and initiate informal Ward-level consultation.</p>
April 2021	<p>City Council to agree final designated bays to be presented and approved by Cabinet Member for City Management as per Section 2.2 of this report. Implement ETRO changes.</p> <p>Operator and participating borough mobilisation phase, bay implementation.</p> <p>At the time of writing this report, it is expected given all of the above stages will be completed on target. The earliest start date of the scheme is expected to be early May.</p>
June 2021 onwards -	<p>London trial commences on 07 June 2021.</p> <p>Due to borough readiness, not all 11 boroughs will be starting on 'day one' of the trial, and will seek to join at a later period.</p> <p>Monitoring and data collection.</p>
Early 2022	DfT evaluation process for the outcome of the trial.

9. Outstanding Issues

- 9.1 Officers from City Highways will have editing rights and can directly make amendments to geofencing mapping layer which regulates the parking and operating areas throughout the trial, without the need for further approval process from TfL.

10. Financial Implications

- 10.1 There are no financial implications directly associated to this report. It is expected that TfL and the successful operators will fund all reasonable project management costs undertaken by the City Council, e.g. the making of Traffic Orders, carriageway marking etc.

11. Legal Implications

- 11.1 Section 15 of the Greater London Council (General Powers) Act 1974 enables the City Council to authorise, by resolution the parking of vehicles on the footway.
- 11.2 The City Council confirms that, in formulating the proposals set out in this report, it has had regard to its public sector equality duty contained in Section 149 of the Equality Act 2010.
- 11.3 The Director of Law has considered this report and is satisfied that the proposed works and orders fall within the statutory powers as detailed in 5.1 and 5.2 above.

12. Consultation

- 12.1 Informal Ward Member consultation completed in May 2021, comments received regarding the overall trial and specific parking bays and operations areas noted and recommendations made by officers.
- 12.2 Engagement amongst groups with protected characteristics in relation to parking bays that will most likely to affect such groups is ongoing as part of the Equality Impact Assessment (EIA).
- 12.3 Proposed sites for e-scooter bays will be subjected to the legislation of the Experimental Traffic Regulation Order (ETRO) process, which requires an open channel for residents, businesses, stakeholders etc to raise any recordable concerns over the ETRO process.

13. Equalities Implications

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 Officers have considered the need for a formal Equalities Impact Assessment (EIA) of the proposed trial. A full EIA is deemed necessary for this project and consultation with local groups representing protected characteristics is ongoing.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Steve Tse on email:
stse@westminster.gov.uk

BACKGROUND PAPERS:

Westminster's City Plan

https://www.westminster.gov.uk/sites/default/files/city_plan_2019_to_2040_draft.pdf

Department for Transport's guidance for rental e-scooter trial

<https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

Legalising rental e-scooter trials: outcome and summary of responses:

<https://www.gov.uk/government/consultations/legalising-rental-e-scooter-trials-defining-e-scooters-and-rules-for-their-use>

For completion by the **Cabinet Member for City Management**

Declaration of Interest

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

Signed:

Date:

NAME: Councillor Melvyn Caplan

State nature of interest if any

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(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 **Rental E-scooter Trial – Footway site locations** and reject any alternative options which are referred to but not recommended.

Signed

Cabinet Member for City Management

Date

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:

.....

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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.

Appendix A: 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.

6. Impact on the Environment

6.1 There are no known impact on the environment arising from this report.

7. Equalities Implications

7.1 The outcome of the proposed trial should have a positive impact on those with mobility difficulties. Agreed spaces to park and enforcement powers will discourage dockless vehicles to be parked illegally and causing a wilful obstruction to the highway. An EIA will be completed either by the leading authority of the trial (TfL) and by all participating boroughs.

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 and other key stakeholders will continue throughout the future stages of the rental e-scooter trial.

Appendix B: CMR – Rental E-scooter trial

Appendix C: List of draft proposed sites seeking for approval for the footway parking of rental e-scooters on unused footway spaces – *note these do not impede on typical pedestrian access with existing informal, and formal crossings.*
(Totals 10)

Parking Bay #	Street Name	Ward	Footway_Carrigeway	Location
16	Sussex Gardens	Hyde Park	Footway	Sussex Gardens Gyratory Eastern Traffic Island
59	Sutherland Avenue	Little Venice	Footway	Sutherland Avenue/Delaware Road, western traffic island, adjacent to resident bays
52	Prince Albert Road	Regent's Park	Footway	Prince Albert Road/Park Road - northern traffic island on the southern point, away from zebra crossing.
45	Trafalgar Square	St. James	Footway	Trafalgar Square eastern traffic island w/ Strand - footway bay not in desired walking line
46	Cockspur Street	St. James	Footway	Trafalgar Square western traffic island - footway bay not in desired walking line
107	St James's Street	St. James	Footway	Central reserve traffic island, junction with Piccadilly
106	Warwick Way	Warwick	Footway	Junction with Ebury Bridge, on central reserve traffic island
100	Grosvenor Square	West End	Footway	Grosvenor Square, SE corner traffic island, between the two trees.

7	Grosvenor Square	West End	Footway	Grosvenor Square - North East Island
24	Harrow Road	Westbourne	Footway	Between Harrow Road, Westbourne Terrace, and Westbourne Bridge, under the west way.

Appendix D: List of draft proposed sites in carriageway (Totals 64)

Parking Bay #	Street Name	Ward	Footway_Carriageway	Location
65	Greville Road	Abbey Road	Carriageway	near j/w Clifton Hill - pay by phone parking bay.
67	Ordnance Hill	Abbey Road	Carriageway	j/w Norfolk Road - opp 15 Norfolk Road. Take out resident bay.
68	Springfield Road	Abbey Road	Carriageway	nr j/w Loudoun Road, On single yellow line.
81	Waverley Place	Abbey Road	Carriageway	j/w Grove End Road, next to yellow line.
104	Hall Road	Abbey Road	Carriageway	Crossover location. o/s Grove Hall Court, next to bay D491
25	Alexander Street	Bayswater	Carriageway	j/w Westbourne Park Road, Hatched area, before the crossover, single yellow line.
26	Leinster Square	Bayswater	Carriageway	North-west corner of Leinster Square, next to waste bins. In shared used bay
14	Old Quebec Street	Bryanston & Dorset Square	Carriageway	OQS North, within existing temporary 'Pocket Park' and permanent scheme. Starting from CH site southbound next to tree and 2x cycle stand
84	Montagu Street	Bryanston & Dorset Square	Carriageway	j/w George Street, double yellow, part of first parking bay.
32	Ebury Square	Churchill	Carriageway	j/w Semley Place (NW corner), double yellow line and 2 m from m/c bay.
74	Hormead Road	Harrow Road	Carriageway	Opp 55 outside the bike shelter, crossover. 1.2 m X 4 m bay.

75	Fordingley Road	Harrow Road	Carriageway	Intersection between Fordingley Road and Saltram Crescent. start at double yellow next to tree
76	Fernhead Road	Harrow Road	Carriageway	j/w Barnsdale Road, side of 71 Barnsdale Road. First PBP bay, parking post will need to be relocated.
78	Saltram Crescent	Harrow Road	Carriageway	o/s 120 - Crossover redundant - use 5m next to resident bay.
79	Chippenham Road	Harrow Road	Carriageway	j/w Grittleton Road, use first resident bay next to build out with sheffield stands
18	Norfolk Crescent	Hyde Park	Carriageway	Norfolk Crescent green (south) in m/c bay.
27	Exhibition Road	Knightsbridge and Belgravia	Carriageway	j/w Kensington Road, first parking bay. o/s Royal Geo Society
28	Belgrave Square	Knightsbridge and Belgravia	Carriageway	Southern corner of square, by lamp column 29 near Norweigan Embassy. 1st Pay by phone bay by hatched area
98	Eaton Square	Knightsbridge and Belgravia	Carriageway	nr j/w Hobart Place (eastern end), in long M/C bay next to lamp column 28
102	Rutland Gate	Knightsbridge and Belgravia	Carriageway	j/w Kensington Road in PBP bay adjacent to m/c bay opp lamp column 28
108	Exhibition Road	Knightsbridge and Belgravia	Carriageway	Near junction with Imperial College Road. Opp 59-63 Princes Gate (end bay)
20	Inverness Terrace	Lancaster Gate	Carriageway	j/w Bishops Bridge Road. 2m DYL plus build out area by res bay

21	Inverness Terrace	Lancaster Gate	Carriageway	o/s no.2 - on SYL adjacent to res bay
99	Cleveland Square	Lancaster Gate	Carriageway	Cleveland Square SE corner, by M/C bay in hatched area.
57	Paddington Green	Little Venice	Carriageway	On the double yellow line, next to cycle hire.
58	Randolph Avenue	Little Venice	Carriageway	j/w Clifton Road western side
61	Randolph Avenue	Maida Vale	Carriageway	nr j/w Elgin Avenue, opp Starbucks Remove 1 set of zig zag.
63	Lauderdale Road	Maida Vale	Carriageway	o/s Florist by MC bay
10	Stratford Place	Marylebone High Street	Carriageway	opp no.3 Pay-by-phone bay converted to e-scooter bay
12	Langham Street	Marylebone High Street	Carriageway	o/s 27 Van Dyck Mansion - 5m pay by phone bay converted to e-scooter bay
15	Portman Square	Marylebone High Street	Carriageway	NE corner, next to TfL Cycle Hire - Resident Bay converted to E-Scooter Bay
90	Portland Place	Marylebone High Street	Carriageway	j/w Devonshire Place - northbound central traffic island, in first resident bay
92	Devonshire Street	Marylebone High Street	Carriageway	j/w Upper Wimple Street, 5m MC bay to be converted to e-scooter bay
94	Thayer Street	Marylebone High Street	Carriageway	o/s no.19 - 3.5m MC bay to be converted
70	Ilbert Street	Queens Park	Carriageway	j/w Fifth Avenue - side of 68 Fifth Ave next to Cycle Hangar in res bay
72	Oliphant Street	Queens Park	Carriageway	j/w Sixth Avenue - side of 118 Sixth Avenue on first resident bay. parking post need to be relocated.

73	Third Avenue	Queens Park	Carriageway	j/w Ilbert Street - NE corner of park in resident end bay adjacent to Park entrance
105	Sixth Avenue	Queens Park	Carriageway	j/w Droop Street - convert D420 bay
71	Marban Road	Queens Park	Carriageway	j/w Portnall Road - m/c bay to be converted
53	Prince Albert Road	Regent's Park	Carriageway	opposite St. James's Terrace, in resident bay adjacent to 2x EV and TfL Cycle Hire
54	Allsop Place	Regent's Park	Carriageway	opp Cornwall House, in SYL, adjacent to first pay by phone bay.
2	Buckingham Gate	St James	Carriageway	opp 60 Buckingham Gate - Korean Embassy adjacent to taxi rank, single yellow
38	Carteret Street	St. James	Carriageway	j/w Broadway 5m M/C Bay convert to e-scooter
39	St Ann's Street	St. James	Carriageway	j/w Abbey Orchard Street, in SYL and MC bay
41	Garrick Street	St. James	Carriageway	j/w St. Martin's Lane o/s Five Guys, double yellow next to parking bay.
47	Northumberland Avenue	St. James	Carriageway	opp Great Scotland Yard, on DYL between the zig-zag and the first pay by phone bay.
88	Lincoln Inn's Field	St. James	Carriageway	SW corner of square, next to cycle stand, first parking bay.
85	St. James's Street	St. James	Carriageway	o/s 23A, on SYL between 2 parking bays, next to tree.
34	Moreton Street	Tachbrook	Carriageway	j/w Belgrave Road on DYL between raised crossing and res bay.

35	Marsham Street	Vincent Square	Carriageway	j/w Herrick Street & Erasmus Street opp small traffic island, on single yellow, next to resident bay
37	Vincent Square	Vincent Square	Carriageway	opp no. 76 Vincent Sq - 5m resident parking bay converted to e-scooter bay.
1	Howick Place	Vincent Square	Carriageway	o/s no.10 between resident parking and cycle stands, 2.5m DYL
33	Sutherland Street	Warwick	Carriageway	j/w Lupus Street, at the build out.
31	Churton Street	Warwick	Carriageway	j/w Belgrave Road, on SYL/Hatched area next to Dexters.
29	Gillingham Street	Warwick	Carriageway	opp Premier Inn, SYL adjacent to PBP bays
91	Newman Street	West End	Carriageway	o/s 92 - 1st PBP bay by Laksamania converted to E-Scooter bay.
8	Chandos Street	West End	Carriageway	j/w Cavendish Place, 5m of single yellow line converted to E-Scooter bay (western arm)
9	Great Marlborough Street	West End	Carriageway	o/s no.46 - Pay by phone converted to E-scooter bay
43	Soho Square	West End	Carriageway	North of square, j/w Soho Street - 1st Pay by phone converted to E-Scooter parking.
86	Curzon Street	West End	Carriageway	j/w Curzon Square (no. 4) on DYL, and MC/bay
89	Market Place	West End	Carriageway	o/s no.30 - 5m of M/C bay converted to E-Scooter bay.
95	Old Cavendish Street	West End	Carriageway	near j/w Oxford Street 5m of double yellow line converted to E-Scooter bay.

22	Tavistock Rd	Westbourne	Carriageway	opp no.9 on SYL between 2 bays. By lamp column 5
23	Marylands Road	Westbourne	Carriageway	o/s no. 11 - in MC bay