

Committee: Planning & Transportation	Dated: 1/11/22
Subject: Pan-London rental e-scooter trial extension	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	9
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	Y/N
Report of: Executive Director Environment	For Decision
Report author: Giacomo Vecia, Senior Strategic Transportation Officer	

Summary

As part of their e-scooter review and in response to reduced public transport capacity as a result of the COVID-19 pandemic the Government fast-tracked legal processes to allow trials of rental e-scooter schemes in the summer of 2020.

In July 2020 the Planning & Transportation Committee agreed to participate in the pan-London rental e-scooter trial. The City formally joined the trial in July 2021. This required the implementation of experimental traffic orders (ETOs) to provide dedicated parking for rental e-scooters, cycle hire pedal cycles (dockless cycles) and pedal cycles. In addition, various traffic orders were amended experimentally to permit rental e-scooters the ability to use the public highway in the same way as permitted by pedal cycles. These ETOs are due to expire in January 2023 and cannot be extended.

Since joining the trial in July 2021 over 1 million trips have been taken across London and the Government has announced plans to introduce a new vehicle class to legalise and regulate e-scooters.

Following the Department for Transport's announcement that UK trials were extended until the end of November 2022 Transport for London announced that the London trial had also been extended until 20 November 2022.

On 28 June 2022 the DfT announced an a further 18-month extension of the current e-scooter trials to 31st May 2024. The DfT has stated that the deadline for local authorities to inform the DfT of their decision whether to withdraw or extend their trial must be made before 31st October 2022. TfL is responsible for informing the DfT of whether the pan-London e-scooter trial will be extended.

At the time of writing no formal decision has been taken by TfL on the future of the London trial. Officers believe it is likely TfL will extend the trial to maintain service continuity and continue studying e-scooters in the period between November 2022 and the adoption of relevant primary legislation by Central Government, likely in 2024-25.

Should the City decide to continue participating in the pan-London trial it will be necessary to make an Order which continues the provisions of the ETOs indefinitely as it is not possible to re-run or extend the current ETOs.

Recommendation(s)

Planning and Transportation Committee is asked (subject to TfL's formal extension of the pan-London rental e-scooter trial and agreement of the terms of the extension by the City Operations Division Director) to:

1. Approve the City of London Corporation's participation in the extension of the pan-London rental e-scooter trial until 31st May 2024.
2. Agree to make the necessary traffic orders (parking for rental e-scooters, cycle hire pedal cycles and pedal cycles, amendments to various traffic orders to permit rental e-scooters to use the public highway in the same manner as by pedal cycles) so as to continue the provisions of the current ETOs indefinitely.

Main Report

Background

3. As part of their e-scooter review and in response to reduced public transport capacity as a result of the COVID-19 pandemic the Government fast-tracked legal processes to allow trials of rental e-scooter schemes in the summer of 2020.
4. In July 2020, the Planning & Transportation Committee agreed to participate in the pan-London rental e-scooter trial coordinated by Transport for London and London Councils. The trial commenced in June 2021 and the City Corporation formally joined in July 2021 following additional preparations and engagement.
5. The Planning & Transportation Committee originally approved participation in the trial for a period of 12-18 months. This approval would formally conclude at the end of the current trial extension on 20 November 2022.
6. All power given to Local Authorities by the DfT to enable them to run e-scooter trials are limited to managing and regulating rental e-scooters only. Dockless bike schemes remain a distinct and separate industry which Local Authorities have very limited powers to regulate and effectively manage.

7. The City Corporation joined the trial with 17 confirmed carriageway bays to accommodate both dockless cycles and e-scooters. Space for approximately 170 e-scooters was allocated to be shared by the three operators selected for the trial – Dott, Lime and TIER.
8. At present 10 boroughs, TfL and the Canary Wharf Group are participating in the trial and the three operators have permission to operate a combined fleet of approximately 4,300 e-scooters across the trial area.
9. To date there have been zero serious injuries in the City of London on rental e-scooters across over 70,000 trips in the first year of the trial. It is estimated that parking bay compliance for e-scooters in the City has remained above 95% over the same period. More data is available from TfL's rental e-scooter trial publication webpage (<https://tfl.gov.uk/corporate/publications-and-reports/electric-scooter-rental-trial>) and can also be found in Appendix 2.
10. Following the DfT's announcement that UK trials were extended until the end of November 2022 Transport for London announced that the London trial had also been extended until 20 November 2022.
11. London's trial is one of 32 around the UK authorised by the DfT. The trials are gathering data to inform any changes to the legal status of e-scooters that Government may choose to introduce. The trial is also exploring whether e-scooters positively contribute to London's transport mix, reduce carbon emissions and enable a sustainable recovery from the pandemic.
12. Private e-scooters remain illegal for use on public land and highways, including pavements and cycle lanes.

Future of the pan-London rental e-scooter trial

13. On 28th June 2022 the DfT announced an 18-month extension of the current e-scooter trials to 31st May 2024. The extension will be restricted to existing trial areas only and will allow local authorities and the DfT to gather further evidence where gaps are identified and build on the findings of the current trials.
14. The DfT has stated that the deadline for local authorities to inform the DfT of their decision whether to withdraw or extend their trial must be made before 31st October 2022.
15. For the pan-London rental e-scooter trial to be extended TfL would be required to write to the DfT with their decision to extend the trial as individual boroughs do not have the necessary powers to exclusively extend the trial on their network.
16. At the time of writing no formal decision has been taken by TfL on the future of the London trial. Officers believe it is likely TfL will extend the London trial to maintain service continuity and continue studying e-scooters in the interim

period between November 2022 and the adoption of relevant primary legislation by Central Government likely in 2024-25.

17. While there is no public timeframe for TfL's formal decision the deadline to inform the DfT of any intentions to extend our trial by 31st October 2022 will require TfL to inform us of any decisions made by that date. A verbal update will be provided at the Committee meeting.
18. While the mechanism to maintain this service continuity is also unclear, Officers believe it is most likely that an extension of existing operational contracts with Dott, Lime and TIER will be necessary as it won't be possible for TfL to commence and conclude the procurement of new operators for the trial extension period before current operational contracts expire in November 2022.
19. The DfT has not provided any new traffic order powers for Local Authorities to participate in the extension. Officers believe that the most appropriate option would be to make an Order which continues the provisions of the ETOs indefinitely as it is not possible to re-run or extend the current ETOs noting the ability to revoke such Order as may be required as explained in Paragraph 35.
20. Given this, Officers recommend that Planning and Transportation Committee (subject to TfL's formal extension of the London trial and agreement of the terms of the extension by the City Operations Division Director):
 - a. Approve the City of London Corporation's participation in the extension of the pan-London rental e-scooter trial until 31st May 2024.
 - b. Agree to make the necessary traffic orders (parking for rental e-scooters, cycle hire pedal cycles and pedal cycles, amendments to various traffic orders to permit rental e-scooters to use the public highway in the same manner as by pedal cycles) so as to continue the provisions of the current ETOs indefinitely.
21. As long as the trial is operational, TfL and participating boroughs will continue to collect data and insights and will publish an evaluation report after the trial ends.

E-scooter trial monitoring

22. Several metrics are being tracked as part of the monitoring and evaluation of the e-scooter trial. TfL publish these statistics at the end of each four-week trial period.
23. TfL, e-scooter operators, the Metropolitan Police and the City of London Police work together to report collisions involving rental e-scooters. As of 25 September 2022 (15 months of trialling), there had been 21 serious injuries and zero deaths involving rental e-scooters reported by operators across the trial area. None of the serious injuries reported occurred in the City.
24. Following a manual review of e-scooter casualty data the DfT published a report suggesting there were nine recorded collisions involving e-scooters in

the City of London in 2021. The severities of the casualties were not provided as part of the DfT data report nor was a breakdown of whether private or rental e-scooters were involved.

25. 1.77 million trips have been taken as part of the trial covering a total distance of 4.6 million kilometres or 2.85 million miles (equivalent to over 96 circumnavigations of the globe). More than 70,000 trips had been taken to or from the City of London or approximately 4% of all trial trips.
26. Pedal cycle parking was introduced on-carriageway as part of the same ETO which provided provisions for e-scooters. Overall, observations have shown that the pedal cycle parking has been well utilised. This is likely to be because the general high demand for cycle parking and the local convenience of the locations provided.

E-scooter trial infrastructure and maintenance

27. The temporary infrastructure for rental e-scooter, pedal cycle hire and pedal cycle parking bays were cost effective and delivered at pace. Maintenance of the measures has been required with the replacement of four cycle parking toast racks and several bollards and signs. This level of maintenance is not unexpected for temporary measures. However, if more robust measures were to be installed this could reduce the maintenance needed.

E-scooter trial feedback

28. Relatively few comments were received by officers regarding the City's e-scooter trial. Of those received most regarded riding behaviours of e-scooter riders more generally and it was unclear whether comments referenced rental or private e-scooter riders. City of London Police continue to enforce against illegal behaviours on the street network and have undertaken targeted enforcement campaigns against e-scooter riders and in particular those riding private e-scooters across the City over the last 18 months.
29. Two other specific issues were raised during the trial including incorrect deployment of e-scooters in one location and inappropriate parking issues at another location on the border of the pan-London trial area. Mitigations included closing and proposing relocation of an impacted bay to limit the risk of incorrect deployment at the location and working with operators to increase patrols in areas with lower parking compliance. In both cases issues were resolved by the City and operators and no additional negative comments were received.

Current Experimental Traffic Orders

30. In July 2021, experimental traffic orders (ETOs) under Section 9 of the Road Traffic Regulation Act 1984 were made to provide dedicated parking for rental e-scooters, cycle hire pedal cycles and pedal cycles. In addition, various traffic orders were amended experimentally to permit rental e-scooters the ability to use the public highway in the same way as permitted by pedal

cycles. Details of the measures implemented under the ETOs are shown in Appendix 1.

31. ETOs must be in operation for a minimum period of six months and a maximum of 18 months. Between 6-18 months into the experiment a decision must be made whether the provisions of the experiment should be continued indefinitely or discontinued and the original highway arrangement restored. A statutory public consultation must also be undertaken in the first six months and any objections must be made within this period.
32. As part of the statutory public consultation on the Orders needed to enable the e-scooter trial in the City no objections were received.
33. E-scooter trial monitoring has shown there have been no serious injuries or deaths involving rental e-scooters reported by operators in the City across over 70,000 rental e-scooter trips. There have also been no major issues reported on the dedicated experimental parking bays delivered or providing rental e-scooters the same access as pedal cycles in the City. The continuation of the ETO provisions would therefore be appropriate.
34. The experimental traffic orders made in July 2021 are due to expire in January 2023. If the City Corporation is to participate in the e-scooter rental trial extension until May 2024, and in the absence of additional DfT provisions for enabling rental e-scooter use on UK streets, Officers believe that the most appropriate option is to make an Order to continue the provisions of the ETO indefinitely, as the Road Traffic Regulation Act 1984, Section 9 does not allow ETOs to be extended or the same ETO to be restarted.
35. At the end of the e-scooter rental trial extension in May 2024, if the use of e-scooters is terminated, primary legislation is not passed or it is decided at any time that a provision is no longer required the permanent traffic orders could be revoked and the traffic arrangement amended as required.

Planned legislation

36. As reported in our July report to this committee, in May 2022 the Government announced that the forthcoming Transport Bill is likely to introduce a new category of low-speed, zero-emission vehicles with a view to legalising the use of e-scooters on public land and highway following a public consultation. This new vehicle category is likely to include e-scooters and would be separate to the existing cycle and motor vehicle categories.
37. The Government has also stated its plans to introduce new controls to enable the rental market to be regulated in cities given the lack of existing powers local authorities have. This would extend to rental bikes and e-bikes as well as e-scooters. London Councils currently anticipates that these controls would be introduced via secondary legislation after the Transport Bill has received Royal Assent following a public consultation.

38. No timetable has yet been confirmed for the legislative process. TfL, London Councils and London local authorities anticipate that new regulations governing the whole micromobility rental market in London could come into force during 2024 or 2025. In the interim TfL and London Councils will continue to lobby the Government on behalf of London to ensure new powers are made available to regulate and improve dockless vehicle operations in London.

Dockless bike schemes in the City

39. Officers are aware of significant challenges and issues associated with dockless bike schemes in the City including inappropriately parked bikes and poor operational performance.

40. In contrast to our powers to effectively regulate rental e-scooter trial operations, local authorities lack necessary regulatory powers to enforce operational requirements of dockless bike scheme operators.

41. Given recent poor dockless bike scheme performance officers are reviewing our overall position on dockless bikes and the approval statuses of all scheme operators with approval status in the City. Officers will bring a report to this committee in January 2023 with further recommendations.

42. We will continue to work with operators to improve parking compliance in the City through user information and operator-levied fines or bans.

43. We will also continue to support TfL and London Councils' ongoing update of the Dockless Bike Share Code of Practice which is expected to be published sometime in 2023.

Corporate & Strategic Implications

44. The e-scooter trial supports the delivery of Corporate Plan Outcome 9: We are digitally and physically well-connected.

45. The City of London Transport Strategy (Proposal 28) sets out our approach to improving cycle hire in the Square Mile. While rental e-scooters schemes technically fall outside the remit of this proposal their benefits and challenges will be similar. The need for designated parking areas is also included in Proposal 17: Keep pavements free of obstructions.

46. The trial will provide data to help understand how e-scooters might impact the City of London Transport Strategy and Mayor's Transport Strategy (MTS), as well as helping to inform the DfT's position on the statutory basis and legislative requirements for e-scooters to be used in England, Scotland and Wales, following the trials

47. The trial forms part of the Future City Streets Programme (Proposal 42).

48. The trial also supports our Climate Action Strategy through providing a potentially zero emission alternative to short car and taxi trips.

49. The trial will contribute to activities to deliver the Recovery Taskforce recommendation to pilot and scale innovative solutions.
50. There is a possible reputational risk to the City Corporation if innovative approaches to supporting Covid-19 recovery and increasing sustainable and healthy transport modes are not carefully considered. There are also possible reputational risks if potential adverse impacts of rental e-scooter scheme operations are not carefully managed.

Legal implications

51. The City Corporation has no jurisdiction over the legality of e-scooters. The London e-scooter trial is fully compliant with any laws and regulations as set out by the DfT.
52. The trial will help inform Corporation policy and possible representations on and consultations to future legislation to legalise scooters for general use.
53. Should the trial not be extended or the City continue to participate in a possibly extended trial, rental e-scooters would not immediately become illegal in the City but instead operators of rental e-scooter schemes would be unable to operate their schemes on public highways in the City.

Financial implications

54. A permitting scheme has been agreed with operators that will generate revenue for boroughs and TfL during the trial, offsetting some of the costs associated with preparing for and participating in the trial. To date approximately £28,000 in revenue has been generated from the trial.
55. Costs of deploying additional parking bays for e-scooters and dockless cycles will likely be met by contributions from operators.
56. Additional costs will be incurred if the City Corporation has to remove e-scooters deemed to be causing a danger from the streets in default of the operator removing them. Removal and storage costs would be incurred in these circumstances and will be recovered through charging operators for removal.

Health Implications

57. Well managed rental e-scooter schemes have the potential to reduce the number of car journeys within central London, and potentially shift journeys from short taxi, private-hire and public transport trips, with associated benefits to air quality and public health.
58. Concerns exist around the safety of travelling by e-scooter, with some evidence suggesting users of e-scooters may be at higher risk of injury or casualty than other road users on comparable vehicles such as e-bikes and mopeds in areas with higher speed limits. DfT has deemed this risk to be manageable and mitigatable given its decision to legalise rental e-scooters in the UK.

Equality Implications

59. A detailed Equalities Impact Assessment has been undertaken in consultation with internal and external stakeholders, including the City of London Police and protected characteristic groups.
60. E-scooter activity in the City is being closely monitored throughout the trial to understand impacts on vulnerable road users (e.g. visually impaired, wheelchair users). This is consistent with the public sector equality duty.
61. The EQIA identifies a number of issues, particularly around safety of e-scooter users and other road users, especially people walking.
- Increased risk of Covid-19 transmission to riders.
 - Speeding and irresponsible riding behaviours.
 - Irresponsible parking leading to e-scooters being abandoned and becoming street litter that could causing obstructions or injury.
 - Increased fears for people's safety and wellbeing on the City's Streets.
 - Increased risk of collisions for those riding e-scooters.
 - Increased risk to people walking on our streets, due to e-scooters not being seen or heard, e-scooters speeding in shared use areas, and/or illegal or poor rider behaviour.
62. Mitigating the safety impacts of the trial is of utmost importance. For this reason, TfL in collaboration with London Borough Councils and the City Corporation are taking a co-ordinated approach to the trial. In this way the safety standards, accessibility standards and environmental standards can be collectively determined and agreed upon. This process will assist in mitigating and reducing the severity of many of the negative impacts identified.
63. In addition to the mitigation measures put in place by TfL the City of London will address measures by restricting where scooters can travel and park.
64. Engagement and enforcement on the legal and safe use of scooters will be undertaken in partnership with City of London Police.
65. Full details on the issues of concern to all protected characteristic groups and associated mitigation measures are available in the TfL EQIA here ([link](#)) and the CoL EQIA ([link](#)).
66. In summary we have concluded that the application of mitigation measures and the benefits from safe use of an e-scooter trial outweigh the negative impacts, or potential impacts of those in protected characteristics groups.

Conclusion

67. The recommendations in this report for the extension will allow the City to continue gathering evidence on e-scooter safety and demand in the Square Mile, build on the findings of the current trial and be more effective in influencing draft legislation on e-scooters in the UK.
68. We recommend continuing participating in the pan-London rental e-scooter trial, subject to TfL agreeing to extend it.

69. As set out in the report to this committee on the 19th July 2022, current trial operations and usage are considered acceptable although still requiring officer management and oversight.

70. To support the participation in the trial extension, it will be necessary to make an Order to continue the provisions of the ETO indefinitely as there are no other mechanisms to be achieved. The ETO also expires in January 2023, so a decision would also be required regarding whether this should continue. The monitoring of the trial to date has shown that the ETO has been successful with no major issues.

71. However, should future primary legislation legalising the continued use of e-scooters not pass or no longer be required, the traffic orders could be revoked or amended and the highway adjusted accordingly.

Appendices

Appendix 1 List of ETO Measures

Appendix 2 – TfL London rental e-scooter trial headline metrics – up to Trial Period 17

Background Papers

[London rental e-scooter trial and dockless vehicle update -19 July 2022](#)

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