

Committee: Streets & Walkways Sub Committee	Dated: 9 July 2024
Subject: Update on actions for improving dockless e-bike hire in the City	PUBLIC
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	Vibrant thriving destination
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
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 Information
Report author: Giacomo Vecia, Senior Strategic Transportation Officer	

Summary

This report provides an update on actions agreed at this Committee in January 2024 for improving dockless cycle hire operations in Square Mile. The actions required immediate operational changes from Lime and Forest to improve their schemes and in particular parking compliance across the City.

Several agreed actions have been undertaken, including clarifying our requirements with operators in writing, updating internal and external resources on reporting inappropriately-parked dockless bikes, ensuring operators are enforcing against poor user behaviours and finalising our micromobility-related studies. Other actions are ongoing, including delivering new dockless vehicle parking bays and working with operators to improve their warning, fining and banning procedures.

Recommendation(s)

Members of the Streets and Walkways Sub Committee are asked to note the content of the report.

Main Report

Background

1. Micromobility is a term that refers to modes of transport using lightweight and low speed vehicles such as bicycles or scooters, especially electric ones, that may be hired for short-term use. This includes dockless cycle hire and rental e-scooters.
2. The fact that no on-street docking infrastructure is required for dockless cycle hire and rental e-scooters offers users more flexibility and avoids the risk of not

being able to end a ride due to a docking station being full. It also represents a challenge, as users of dockless cycle hire can leave bikes anywhere, potentially obstructing pavements.

3. While rental e-scooter schemes are, on a trial basis, regulated by the Department for Transport and Local Highways Authorities, dockless cycle hire schemes fall outside the existing legislative framework. The City Corporation does not have powers to prevent dockless cycle hire schemes from operating in the City. A summary of our legal powers relating to dockless cycles is provided in Appendix 1.
4. We have agreed that two dockless cycle hire operators – Lime and Forest – can operate in the City with our approval. As noted above, the City does not have powers to prevent dockless cycle hire schemes from operating in the City. We have given this approval despite the legal limitations to improve engagement with Lime and Forest and seek additional voluntary financial contributions from them to support micromobility in the City.
5. Since their approval statuses were first granted in 2020, Lime and Forest dockless bikes have been used for an estimated two million trips by City residents, workers and visitors and demand continues to grow. It is estimated that on average over 100,000 journeys are now made by dockless bikes in the City every month. This has contributed to both the increase in cycling observed in the City over the last three years and to challenges around parking supply and inappropriately parked dockless bikes on City streets.
6. We are working with Lime and Forest to ensure that best practice and innovation introduced by one operator is adopted by the other. We are also working closely with TfL and other London boroughs who have agreement with Lime, Forest or other dockless cycle hire scheme operators active in London to ensure industry best practice is adopted in the City.
7. In January 2024, Members agreed a series of actions relating to improving parking compliance, including: introducing a City-wide no parking zone (among other scheme improvements); expanding our data collection and reporting over the short term; increasing the number of dockless vehicle parking locations in the medium term; and, over the longer term, facilitate ongoing collaboration with TfL, London Councils and central Government to support and champion additional regulatory, contractual and other powers to better manage dockless operations and operators.
8. An update on progress with implementing the immediate and short-term actions is provided below.
9. As dockless cycle hire schemes fall outside the existing legislative framework and the City Corporation does not have powers to prevent dockless cycle hire schemes from operating in the City (as outlined in Appendix 1), many agreed actions were dependent on compliance by operators.
10. In June 2023, London Council's Transport and Environment Committee agreed in principle to a single contract approach for e-bikes and e-scooters and to work

with TfL and London local authorities on the design of the scheme, with the hopes of enabling a transition to a single contract in 2025.

11. In May 2024, Members agreed to signal our intention to join the proposed contract, should it be brought forward. Further details of this approach can be found under Background Papers
12. In advance of this contract coming into effect and/or the Government introducing planned legislation, individual agreements with operators remain the most effective mechanism for managing dockless cycle hire in the City.
13. Our cleansing arrangements, including how Street Enforcement Officers report dockless bikes to operators, remains in effect. Full details on our existing cleansing and enforcement arrangements can be found in Appendix 2.

Update on immediate actions to be implemented in early 2024

14. The following immediate actions were outlined in the January 2024 report:
 - a. A City-wide no-parking zone outside of approved parking areas
 - b. Rapid response locations
 - c. Review warning, fining and banning procedures
15. In addition to the above, as previously agreed in July 2023, dockless bikes were allowed to be parked at pre-approved and under-utilised Sheffield stands and cycle parking areas on a temporary basis while additional dedicated dockless parking areas are identified.
16. It was noted that it may take time for compliance to improve following the implementation of these actions and that there may be complaints for hire scheme users as behaviours and habits adjust.
17. Officers have met with and written to both Lime and Forest this spring to communicate the City's requirements, including the implementation of a City-wide no-parking zone except for approved parking areas. In their written responses, both operators confirmed that they have implemented a City-wide no-parking zone and issue warnings and penalties to anyone who parks outside of approved areas, including bans for repeat offenders.
18. Both operators also stated they were unable to meet the requirement that they cap their fleet size in the City at 150 vehicles each. Officers wrote back to both Lime and Forest to express our disappointment at this and reiterate the need for operators to manage their fleets in line with available parking capacity.
19. Officers have developed a map of priority response areas in the City where any e-bike left outside of approved parking areas would always be obstructive, irrespective of how the e-bike is parked. Users leaving bikes in these areas would automatically receive a higher fine and bikes would be prioritised for removal by the operators.
20. This map was developed by overlaying streets where pavement widths are less than 2m, sensitive areas such as St. Paul's Cathedral, areas where bikes are not permitted to be ridden such as the Barbican Highwalks and Podium, and

other areas requested by external partners such as the City of London Police or Transport for London. The final priority areas map is included in Appendix 3.

21. We have written to operators to inform them of these priority response areas. We are awaiting confirmation from both operators on implementation and note that operators already include some of these areas in their enhanced fining areas, such as the Barbican podium.
22. We are also working with operators by suggesting changes to existing penalty structures and procedures to improve user behaviours and parking compliance in the City, in particular as they relate to our new priority areas.

Update on short term actions to be implemented by mid-2024

23. The following short-term actions were outlined in the January 2024 report:
 - a. New dockless vehicle parking spaces
 - b. Audit kerbside space availability and parking occupancy
 - c. Member walkabouts and information gathering
 - d. Dedicated dockless webpage
 - e. Additional data collection and reporting
 - f. Cycle and e-scooter campaigns

Update on the kerbside review and provision of new dockless vehicle parking spaces

24. In March 2024, a kerbside review was carried out to identify potential spaces for micromobility parking. This study assessed over 200 kerbside locations that are free from parking and loading restrictions and outside of the rental e-scooter's no-go zones.
25. The review of 200 locations identified 75 streets which may be suitable for installing a new parking bay. All other locations were considered not suitable due to competing street user demands. The 75 locations were overlaid with areas of high cycle hire demand to prioritise sites for new parking bays. See Appendix 4 for further details.
26. 26 locations have been shortlisted for the next batch of parking bays to be delivered this financial year. See Appendix 5 for further details. Each bay will have a minimum of 12 bike or 20 scooter spaces.
27. The estimated cost for delivering these 26 parking bays is £125,000. A funding bid for this amount has been submitted to TfL with the outcome expected by August 2024. If this is unsuccessful or the full bid amount is not received, then we will seek contributions from operators to deliver these bays.
28. It should be noted that additional spaces are also being considered and where possible delivered as part of projects. For example, the Finsbury Circus Access Improvements project includes three large bays (equivalent to 7 standard bays) and will provide space for at least 82 rental bikes or 143 scooters.

29. The entire micromobility parking programme aims to deliver up to 75 parking bays by December 2026, subject to funding being provided by either operators or TfL.
30. New dockless vehicle parking bays can be implemented under existing delegated powers.

Update on the Cycle Parking Occupancy Review

31. In February 2024, a cycle parking occupancy survey was carried out to audit the current infrastructure and occupancy of the cycle parking locations. The survey aimed to identify opportunities where underutilised cycle racks could be reallocated could be reallocated for dockless cycle hire parking.
32. Officers consider cycle parking locations with at least six cycle racks (12 spaces) and a parking occupancy of 20% or less could be suitable for reallocating 50% of the spaces to dockless cycle hire. This approach aims to provide a minimum of six spaces each for private bicycles and dockless cycle hire, ensuring a balance between the two parking types and potentially improving the regulation of dockless cycle hire parking in the area. The 20% parking occupancy threshold accounts for increases in private bicycle parking demand during the summer.
33. For instance, if a location had 10 cycle racks (20 spaces) and had a 20% occupancy (4 bicycles parked), the reallocation of 5 cycle racks (10 spaces) for dockless cycle hire would be considered.
34. The survey identified eight locations that meet these criteria. Officers have assessed these locations and now propose reallocating parking spaces for dockless cycle hire at five of these locations which would provide additional parking for up to 54 dockless cycle hire bicycles. Details of the locations are shown in Appendix 6.

Dockless bike scheme monitoring and data collection

35. Operators periodically share operational and compliance data with Officers as part of ongoing monitoring and evaluation of their schemes. The quality and extent of this data sharing has varied over time. Officers have continued to request extensive data on scheme operations and parking compliance, including on compliance rates, number of penalties issued, number of retrieval tasks initiated as a result of obstructive dockless vehicle parking or abandonment, and number of retrieval tasks completed.
36. Officers wrote to Lime and Forest requesting a data transfer in May and June 2024. No operator responses were received at time of writing. We will continue to write to operators to insist they provide this data to us.
37. City Officers undertake periodic bay occupancy audits to understand parking compliance and activity levels in and around our approved parking areas. Beyond this, at present there are limited cost- and resource-efficient methods available to verify or audit data shared with us by operators.

38. On 18 June 2024, an informal audit of our dockless vehicle parking bays was conducted between 13:00 and 16:00. Out of 16 carriageway bays audited, eight were found to be over-capacity, with some bays overcapacity by 30-60 bikes. Several under-capacity bays had no e-bikes recorded in them, suggesting the location of these bays may be poor or in low-demand areas. Relocation of some bays may improve their usage over time.
39. Officers will continue to undertake periodic sampling to capture numbers of both inappropriately and appropriately parked bikes in small areas. This data may allow us limited ability to verify and audit operator data on percentages of dockless bike journeys that end with a bike appropriately or inappropriately parked, noting that data collected in this way is unable to account for bikes that are moved after a journey is ended. Spot checks will also be undertaken to audit operator response times for removal of e-bikes causing an obstruction, particularly in our new priority areas.
40. Officers will begin undertaking “mystery shopper” rides where e-bike hire rides are ended outside of bays to check warning and fining procedures are being applied. Officers will also periodically request anonymised warning and fining information on specific bikes through providing operators with serial numbers of inappropriately parked or abandoned bikes.
41. London Councils and Transport for London are working to expand existing data sharing platforms, including PowerBI dashboards and the BlueSystems tool in use for the rental e-scooter trial, to better incorporate dockless bike data. However, without powers to compel operators to share this data there has been limited success in incorporating auditable data sources into these platforms.
42. Data auditing and verification is likely to improve considerably once the joint dockless micromobility contract is live. These challenges and issues do not exist for rental e-scooter data that is already shared and managed through the BlueSystems platform.
43. City Officers will continue to work with London Councils, Transport for London and dockless operators to improve data sharing agreements and will seek to find alternative, cost- and resource-effective ways to better audit and verify the data that operators share with us.
44. City Officers will update Members of this Committee on an annual basis as part of Transport Strategy annual reporting to share the data that we receive from operators and that we collect internally as part of our cleansing and enforcement procedures.

Update on other short term actions

45. A dedicated City of London dockless e-bike webpage launched this spring (<https://www.cityoflondon.gov.uk/services/streets/dockless-cycle-hire-in-the-city-of-london>). The webpage includes extensive information on micromobility regulations, reporting procedures, what enforcement powers are and aren't available to the City Corporation and general Q&As on dockless e-bikes and e-scooters.

46. Officers have developed standardised complaint responses procedures to help improve response timeframes to Members and members of the public.
47. We are continuing to work with operators to formalise our requirements and operational relationship. Given any potential pan-London non-docked micromobility scheme is not set to launch before 2025, we are exploring the use of Memorandums of Understanding (MoUs) as an interim solution.
48. Targeted social media posts were also undertaken during bike week to help raise awareness of appropriate riding and parking behaviours. A further cycle roadshow is planned for 27th June during Climate Action Week and will include training and messaging around appropriate behaviour.

Central government micromobility legislation

49. The Government has stated its plans to introduce controls to enable the regulation of the dockless rental market. This would extend to rental bikes and e-bikes as well as e-scooters. The timetable for the legislative process as not yet been confirmed and no relevant legislation was included in the King's Speech in Autumn 2023.
50. As discussed at the last meeting of this Committee the Policy Chairman has written to the Secretary of State for Transport to highlight our concerns around the delay to this legislation.
51. City Corporation Officers will continue to work with TfL, London Councils and operators to support and champion for primary legislation focussed on micromobility providing regulatory and other powers for local authorities to manage dockless vehicle schemes following the upcoming General Election.

Corporate & Strategic Implications

52. Dockless cycle hire supports the delivery of Corporate Plan Outcome: Vibrant thriving destination.
53. The City of London Transport Strategy (Proposal 28) sets out our approach to improving cycle hire in the Square Mile. The need for designated parking areas is also included in Proposal 17: Keep pavements free of obstructions.
54. Micromobility schemes including dockless cycle hire helps inform the Future City Streets Programme (Proposal 42).
55. Dockless cycle hire also supports our Climate Action Strategy through providing a potentially zero emission alternative to short car, private hire and taxi trips.
56. There is a possible reputational risk to the City Corporation if innovative approaches to increasing sustainable and healthy transport modes are not carefully considered. There are also possible reputational risks if potential adverse impacts of dockless cycle hire operations are not carefully managed.

Legal implications

57. Dockless cycle hire schemes which do not necessitate any infrastructure being placed on the highway fall outside the existing legislative framework and do not need the City Corporation's consent to operate in the City, as outlined in Appendix 1.
58. In the event of loss, injury or damage being caused by dockless cycles, the person responsible would depend on the circumstances of each case. For example, if a cycle had remained in a dangerous position for days without the highway authority taking steps despite complaints, some liability would be likely to rest with the highway authority. If an accident occurred a few moments after the cycle was left in a dangerous position and the highway authority had no reasonable opportunity to identify and remedy the danger, it is unlikely any liability would rest with the highway authority, and therefore would be more likely to rest with the user and/or operator.
59. The steps proposed to secure the co-operation of operators in ensuring safe practices would help demonstrate that the City is taking reasonable measures consistent with its responsibilities outlined in Appendix 1.
60. Data collected from dockless cycle hire operations will also help inform Corporation policy and possible representations on and consultations to future legislation to regulate the dockless hire market.
61. The signing of any Memorandums of Understanding (MoUs) with active operators in the City will include favourable break clauses so as to not compromise our ability to join any potential future pan-London non-docked micromobility scheme or contract.
62. Any MoU will not hold sufficient legal status to provide the City Corporation with additional regulatory or enforcement-related powers.

Financial implications

63. Operators covered the costs of the studies referenced in Paragraphs 24-34, which will help identify additional parking areas for delivery and appropriate Sheffield stands for interim use ahead of new parking bay implementation.
64. We are now seeking additional contributions to cover the costs of proposed new dockless vehicle bays. Bays that are currently being delivered are funded through existing e-scooter trial income.
65. Additional costs will be incurred if the City Corporation must relocate or remove dockless bikes 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.
66. There will be some additional impact on cleansing teams as in some locations when dockless parking areas are full it is more difficult for cleansing team to access the area. This is an issue for any vehicle parked areas if occupied whilst cleansing operatives are carrying out work. Further details are included in Appendix 2.

Health Implications

67. Well managed dockless cycle hire schemes have the potential to reduce the number of car journeys within central London, and potentially shift journeys from short car, taxi, private hire and public transport trips, with associated benefits to air quality and public health.

Equality Implications

68. A detailed Equalities Impact Assessment has been undertaken in consultation with internal and external stakeholders on a similar scheme – the City of London’s rental e-scooter trial. Lessons and mitigations from that EqIA have been taken into consideration wherever appropriate and related to dockless cycle hire.

69. Dockless cycle hire activity in the City is being monitored to understand impacts on protected characteristic groups (e.g. visually impaired, wheelchair users). This is consistent with the public sector equality duty.

70. The City of London rental e-scooter trial EQIA identifies a number of issues, particularly around safety of e-scooter users and other road users, which can help better understand and develop mitigations for dockless cycle hire schemes, including:

- Speeding and irresponsible riding behaviours
- Irresponsible parking leading to dockless cycles 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 dockless cycles
- Increased risk to people walking on our streets, due to dockless cycles not being seen or heard, dockless cycles speeding in shared use areas, and/or illegal or poor rider behaviour

71. Engagement and enforcement against illegal and unsafe use of dockless cycles will be undertaken in partnership with City of London Police.

72. In summary, we have concluded that the application of mitigation measures and the benefits from safe use of a dockless cycles outweigh the negative impacts, or potential impacts of those in protected characteristics groups.

Conclusion

73. The progress outlined in this report is part of our ongoing efforts to improve parking compliance and scheme operations across the Square Mile. We will continue to make progress on agreed actions with a focus on improving parking compliance and delivering new dockless vehicle spaces as outlined in Paragraphs 24-30.

74. The delivery of up to 26 new dockless vehicle parking bays this financial year (and up to 75 bays over the next 3 years) will help us meet the rising demand for dockless vehicles in the City while minimising the obstructions and visual clutter dockless e-bikes can cause.

75. Officers will continue to monitor Lime and Forest's performance in the City and work with both operators and TfL/London Councils to improve data collection, sharing, analysis and verification across all dockless modes.
76. While the situation is not perfect at present, this approach continues our formal relationships with operators, allowing us to continue to work constructively with them to raise issues and discuss potential solutions while recouping some of the costs associated with mitigating the impacts of dockless cycle hire in the City. Not working with operators would likely also lead to a free-for-all environment.
77. The City Corporation is also seen as an important dockless vehicle policy knowledge base both within London and nationally. Continuing our engagement with operators in London and the dockless industry more widely will help us maintain and elevate that status and the leverage it affords the City Corporation in influencing wider policy and legislation.
78. We will continue to bring updates to this Committee on dockless scheme operational performance in the City on an annual basis as part of the Transport Strategy Annual Report.
79. An additional report will be brought to this Committee ahead of the finalisation or signing of any potential pan-London non-docked micromobility scheme contract documents.

Background Papers

- Private - Non-docked micromobility scheme Statement of Intent – 14 May 2024
- [General micromobility update and actions for improving dockless bike hire in the City - 30 January 2024](#)
- [Extended Review of Dockless Operator Lime - 4 July 2023](#)
- [Dockless cycles policy and legal powers update - 17 January 2023](#)
- [London rental e-scooter trial and dockless vehicle update - 19 July 2022](#)
- [Dockless cycle hire trial outcomes and next steps - 12 December 2019](#)

Appendices

- Appendix 1 – Legal implications: advice from the Comptroller and City Solicitor
- Appendix 2 – Existing cleansing and enforcement arrangements
- Appendix 3 – Dockless vehicle priority removal areas
- Appendix 4 – Prioritised parking
- Appendix 5 – Cycle rack reallocation
- Appendix 6 – Shortlisted parking

Giacomo Vecia

Senior Strategic Transport Officer
Environment Department

T: 020 7332 1489

E: giacomo.vecia@cityoflondon.gov.uk

Appendix 1 – Legal implications: advice from the Comptroller and City Solicitor

Statutory duties

The City Corporation has a duty under s.130 of the HA 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

It also has a network management duty under s.16 of the Traffic Management Act 2004. This requires it to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:

- a. securing the expeditious movement of traffic on the authority's road network;and
- b. facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

Under section 122 of the Road Traffic Regulation Act 1984 local authorities are under a duty to exercise functions conferred on them under that Act so far as practicable, having regard to matters specified in subsection (2), to secure the expeditious, safe and convenient movement of traffic (including pedestrians).

The City Corporation is also subject to the public sector equality duty under section 149 of the Equalities Act 2010. This means that in the exercise of its functions it must have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This includes removing or minimising disadvantages suffered by people due to their protected characteristics (such as visual or mobility disabilities).

An unmanaged proliferation of bikes on the highway arising from dockless bike hire schemes may compromise compliance with the above statutory duties.

Statutory powers to deal with bikes on highway

Dockless cycle hire schemes which do not necessitate any infrastructure being placed on the highway fall outside the existing legislative framework and do not need the City Corporation's consent to operate in the City. However, there are some existing statutory powers available where bikes are left so as to cause an obstruction, nuisance or danger.

1. Section 137 HA 1980 – If a person, without lawful authority or excuse, in anyway wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding Level 3 on the standard scale (currently up to £1000.00.)
2. Section 148(c) HA 1980– if, without lawful authority or excuse a person deposits anything whatsoever on a highway to the interruption of any user of

the highway he is guilty of an offence and liable to a fine not exceeding Level 3 on the standard scale.

3. Section 149 HA 1980 – if anything is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited there to remove it forthwith. In the event of non-compliance, a court order may be obtained authorising the removal and disposal of the offending item. If the highway authority has reasonable grounds for considering the item constitutes a danger (including a danger caused by obstructing the view) to users of the highway and ought to be removed without the delay of seeking a court order it can remove the item forthwith and, ultimately, seek a court order for its disposal.

A highway nuisance can be defined as ‘any wrongful act or omission upon or near a highway, whereby the public are prevented from freely, safely and conveniently passing along the highway’. So it is something that causes an interference with the public right of way along a highway.

Obstructions are defined in TfL’s ‘Dockless Bike Share Code Of Practice For Operators In London 2018’ as *a situation arising from the deposit of a bike or bikes (whether by reason of its or their position, their number, or otherwise) so as to adversely affect the free use of a highway (including a footway or a carriageway), or adversely affect the free use of any other public or private land (including river, canal and park environments which is not specifically assigned for the purposes of dockless bikes, without lawful authority or excuse*. (This is not a legal definition but it provides a useful guide).

What constitutes a danger will need to be considered on the facts of each situation but a number of dockless vehicles left fallen across a footway so as to cause a trip hazard may be considered to be a danger. Where a substantial part of the footway is blocked that may also constitute a danger if pedestrians could be forced into the street. Location specific reasons may also be a factor as to whether left vehicles are a danger such as the width of the footpath and the level of footfall.

Street trading and ‘waste’

Consideration has been given to whether the provision of dockless cycles for hire is caught by local legislation which makes it unlawful for any person to engage in unauthorised street trading in the City. “Street trading” is defined in the City of London (Various Powers) Act 1987 to mean the selling or exposing or offering for sale of any article or thing in a street. However, dockless cycle hire schemes involve bikes being available on the highway (or on private land with the consent of the owner) for temporary hire by members of the public, with payment being made via an App, and no person in the street engaged in the hiring out of the bikes. As the 1987 Act prohibits a person from selling etc. items in the street, not the temporary hiring of bikes in the way proposed which is more in the nature of a service (and not dissimilar to the existing Santander cycle hire scheme except that there are no docking stations), the activity would not amount to unauthorised street trading.

Consideration has been given to whether definitions of “waste” or “litter” in legislation apply. It is considered that these terms are not intended to cover bicycles left temporarily on the highway and which are in use for the benefit of the operators and their customers and officers are not aware of any decisions on this point. It is not considered that this adds significantly to the City’s statutory powers to deal with bikes on the highway.

Regulation by making byelaws

Government guidance states that byelaws are considered measures of last resort after a local council has tried to address the local issue the byelaw applies to through other means. A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable.

It follows that there is a risk that the case for making a byelaw to regulate dockless bike hire could be undermined if all bikes on City streets were to be classed as obstructions and removed under existing powers.

It is understood that action proposed to establish a regulatory framework for dockless vehicle schemes by way of a London-wide byelaw has been deferred as the Government has indicated that it intends to introduce controls to regulate the market. These regulations have been pushed back to at the earliest the next parliamentary session in 2023.

Liabilities

In the event of loss, injury or damage being caused by the cycles, the person responsible would depend on the circumstances of each case. For example, if a cycle had remained in a dangerous position for days without the highway authority taking steps despite complaints, some liability would be likely to rest with the highway authority. If an accident occurred a few moments after the cycle was left in a dangerous position and the highway authority had no reasonable opportunity to identify and remedy the danger, it is unlikely any liability would rest with the highway authority, and therefore would be more likely to rest with the user and/or operator. In addition, the steps proposed to secure the co-operation of operators in ensuring safe practises would help demonstrate that the City is taking reasonable measures consistent with its responsibilities.

Appendix 2 – Existing cleansing and enforcement arrangements

Our current approach to enforcing against inappropriately parked dockless bikes consists of reporting issues and incidents directly to operators and, if possible, immediately moving or relocating bikes to more appropriate locations. We do not currently undertake significant legal enforcement action against dockless cycle hire schemes.

While City Corporation staff are unable to unlock dockless cycles to relocate them to approved parking areas, they will attempt to lift bikes (which can weigh up to 20kg) while they are locked to move them to more appropriate nearby locations. The relocation is limited to the nearest safe location, as bikes are heavy and locked, needing two people to move them. These bikes are then reported immediately to the responsible operator to attend to.

The City Corporation has limited powers to enforce against dockless cycles that pose nuisances, obstructions or dangers on City streets. Enforcing against dockless cycles that pose an obstruction involves notifying operators of any obstructions and providing them a reasonable timeframe for removing the obstruction. If the obstruction is not removed in a reasonable timeframe the City Corporation can seek a court order to enable us to remove the obstruction ourselves.

Any dockless cycles that pose a danger on our streets may be removed immediately. While no standard definition of how dockless cycles may constitute a danger on UK highways exists, potential scenarios have been identified as part of legal advice sought out regarding this.

Officers have not regularly enforced against bikes that pose a danger due to:

- a. Limited secure storage for removed bikes due to changes at Walbrook Wharf
- b. Updated costs associated with enabling the IDOX cleansing system to facilitate dockless cycles removals
- c. Limited cleansing staff resource
- d. A lack of formal legal and policy guidance on how to appraise whether an inappropriately parked dockless bike constitutes a danger or an obstruction
- e. Concerns around legal challenges should operators wish to challenge our definition of dangerously parked dockless bikes
- f. Awareness that most bikes are re-hired or removed before City cleansing staff are able to attend to sites with inappropriately parked bikes with the necessary removal vehicle and teams

City staff will continue to report inappropriately parked bikes to operators, move those bikes when possible and work with operators to improve their compliance and response times.