

## **LONDON BOROUGH OF HAMMERSMITH & FULHAM**

**Report to:** Cabinet Member for the Environment

**Date:** 14/07/2021

**Subject:** E-Scooter Trial

**Report of:** Bram Kainth, Chief Officer (Public Realm)

**Report author:** Masum Choudhury, Head of Transport

**Responsible Director:** Sharon Lea, Strategic Director for the Environment

---

### **SUMMARY**

This report provides an update on the development of the rental e-scooter trial in London and seeks approval to introduce a pilot e-scooter hire scheme in the Borough as part of a Pan-London framework trial. It should also be noted that private e-scooters remain illegal and cannot be included in the trial.

The Department for Transport (DfT) announced that rental e-scooter trials would be fast tracked to provide an additional mobility option to help reduce the pressure on public transport systems, minimise the spread of COVID-19 and support a green recovery. The trial also enables the collection of data and impacts on pedestrians and other road users to inform future decision making on the viability of e-scooters as a modal option for future transport.

---

### **RECOMMENDATIONS**

1. To agree to participate in the Pan-London e-scooter trial that would enable three selected rental e-scooter companies to operate in LBHF using designated parking spaces for a period of up to 12-months, with the option to extend by a further 6 months.
2. To delegate authority to the Chief Officer for Public Realm to:
  - Make the necessary traffic orders and arrangements (including agreeing terms and conditions and granting licenses to each selected operator) to introduce the pilot scheme, end the scheme, or extend the pilot as appropriate in accordance with the contract and licence terms; and
  - In consultation with the Cabinet Member for the Environment and the Strategic Director for the Environment, approve the scheme on a permanent basis across the Borough depending upon the outcome of the pilot scheme and final legal position; with regard to the status and use of e-scooters following consultation with the DfT.

---

**Wards Affected:** All

---

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Priorities</b>
Building shared prosperity	The trial in the borough will aide mobility and bring new opportunities for residents to access all areas and businesses. The scheme will support the economy after lock-down restrictions are eased and encourage people to use more sustainable alternatives for travel in Hammersmith and Fulham.
Creating a compassionate council	The trial would enable affordable e-scooter use for residents or visitors in the borough, enabling them to trial a new mobility option.
Doing things with local residents, not to them	Residents' forums and associations will be engaged in the trial as operators will be able to offer incentives to some community groups. Disabled working groups will be engaged to ensure concerns are understood and resolved where possible as part of the trial.
Being ruthlessly financially efficient	The Council intends to use the contract agreed by TfL for all London Boroughs. During the trial the council expects to receive revenue from the operators.
Taking pride in H&F	Offering a new alternative mode of transport throughout the borough will enhance community life in the borough.
Rising to the challenge of the climate and ecological emergency.	The trial is a key enabler for reducing polluting vehicle journeys and switching to zero-emission modes of transport to improve air quality and reduce carbon emissions.

## **Financial Impact**

As part of the trial each operator will be required to pay an upfront payment to assist the council to cover the costs of amending traffic orders or installing supporting infrastructure to facilitate the trial. Negotiations will take place with each chosen supplier to resource any associated infrastructure needs.

The upfront cost per operator is £5,000, therefore the council will initially receive £15,000 to participate in the trial. The council agrees to apportion an 5% fee (£750) to TfL to manage the trial and gather associated data for the DfT.

Operators will be required to pay an ongoing monthly cost per vehicle deployed in the borough ranging from £5.50 to £7.50, correlating to the number of vehicles available (approximately £1,000 per month of the trial, based on a starting level of 50 scooters per operator).

Estimated value of the trial in Hammersmith and Fulham at its maximum will be £70k according to TfL sources. The forecast is based on an expected increase in the number of e-scooters operating during the 12 month trial from the initial 150 vehicles and is inclusive of the initial cost for participation and expected infrastructure funding from operators for dedicated bays.

The costs involved in this trial are intended to be completed within the sums shown above. There may be a small loss of income from the use of parking bays for e-scooters although this is difficult to quantify.

## **Legal Implications**

There are 2 requirements in primary legislation that will continue to apply to e-scooters:

- E-scooters in trials need to be covered by a motor vehicle insurance policy - it is understood rental operators will ensure a policy is in place that covers users of the vehicles.
- E-scooter users need to have a valid driving licence.

The DfT have amended the various existing requirements in the Motor Vehicles (Driving Licences) Regulations 1999 that currently require users to hold a full category A, AM licence, a full category B licence pre-2001, or later full category B licence plus CBT certificate.

Further amendments to the Traffic Signs Regulations and General Directions 2016 have been made to include e-scooters within the definition of vehicles permitted to use cycle lanes.

To allow the use of the parking spaces to dock the e-scooters, the Council has powers to implement traffic management schemes such as Experimental Traffic Orders, by following the statutory process set out in the Road Traffic Regulation Act 1984 and secondary legislation. As a road traffic authority, the Council must exercise its functions as far as practicable to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities.

---

## **Contact Officer(s):**

Name: *Richard Duffill*

Position: *Borough Cycling Officer – Transport*  
Telephone: *07799 413551*  
Email: *Richard.Duffill@lbhf.gov.uk*

Name: *Giles Batchelor*  
Position: *Finance Manager – Environment*  
Telephone: *020 8753 2407*  
Email: *Giles.Batchelor@lbhf.gov.uk*  
*Verified by Emily Hill, Director of Finance*

Name: *Poonam Rajput*  
Position: *Solicitor*  
Telephone: *020 8753 6378*  
Email: *Poonam.Rajput@lbhf.gov.uk*

---

## **Background Papers Used in Preparing This Report**

- TfL/London Council Specification Document – published
  - EQIA e-scooters London Boroughs – published
- 

## **DETAILED ANALYSIS**

### **Proposals and Analysis of Options**

1. The analysis in this section, sets the background context and considers some factors for not participating in the trial and informs the recommendations in the report to participate in the trial.
2. In May 2020, the DfT announced its intention to begin trials of rental e-scooters, to help support cities across the United Kingdom as part of its restart and recovery response following initial lockdown restrictions.
3. The Government published an urgent legislation review in May 2020 to allow formal trials of rental e-scooters to commence more rapidly in response to the COVID-19 pandemic and sought a green restart of local transport in order to help mitigate reduced public transport capacity. Transport for London's transport network has been reduced by 85% capacity and whilst active travel is encouraged above all else, innovative and greener travel should be considered to reduce the risk of a car-led recovery.
4. The DfT announced that the rental e-scooter trial is to be fast tracked and expanded trial areas from the four Future of Transport Zones to the remainder of the country. The duration of the trial will be for twelve-months, following which, the DfT will conclude the outcome and will assess whether these vehicles should be legalised in the UK as part of DfT's Future Transport Regulatory Review. It is

likely the DfT will further consult with participated authorities on the review of regulatory changes in the future.

5. The DfT will sign off all trials and create vehicle orders for all e-scooters that can be used in a Trial Area. Guidance has been issued which sets expectations for all trials, as well as vehicles standards and associated user requirements.
6. The guidance states: “Where trial areas include and involve several tiers of local government, the DfT recommend agreeing a lead authority. In most cases, it is expected that the lead authority will have strategic oversight across all local trial areas.”
7. Advances in battery technology in recent years have led to increasing numbers of e-scooters and other forms of motorised micro-mobility for private ownership and fleets for commercial rental schemes.
8. Similar to the recent emergence of dockless bike hire schemes, many rental e-scooter schemes do not require parking infrastructure making them free floating, which has the increased benefit of flexibility in journeys and likely behavioural changes and modal shift. However, there is an impact on the public realm as dockless e-scooters could increase street clutter and obstruction if parking and deployment is left unregulated.
9. Not participating in the trial does not mean that e-scooters would not be present on H&F roads, as e-scooters will still be able to use the road network to get to and from destinations. H&F would not be able to influence decision making and have reduced control over how e-scooters operate within the borough boundary if a decision was taken to not participate in the trial.
10. The opportunity to obtain localised data and information would also not be possible as the trial aims to gather information on usage, journeys and both user and community feedback during the trial.
11. The trial will provide information on the operating model/s, docking strategy and provide insight into the local demand for e-scooters as a mobility option. It will also enable the consideration of long-term safety concerns and possible interventions, management or development of technology solutions to address concerns with long term use of e-scooters on the road network, how to tackle pedestrian conflict and behaviour and general compliance concerns.
12. Evidence from existing rental e-scooter schemes in other cities around the world have suggested they have the potential to encourage significant modal shift and provide a viable non-car alternative to public transport that meets social distancing requirements.
13. DfT regulatory changes made on 4 July 2020 include changes to rental e-scooter to be regulated similar to electronically assisted pedal cycles (EAPCs) as both types of vehicles have comparable road presence and visibility for other road users. During the trial, rental e-scooters will be classified as motor vehicles,

similar to a moped and they must have the relevant motor vehicle insurance provided through the operators.

14. TfL have been working with London Councils (LC) and local authorities with the intent to select Operator(s), coordinate and evaluate a research and development trial with participating boroughs for an initial period of up to 12 months. In the future, this will have the potential for all boroughs in Greater London to participate.
15. The trial provides an alternative transport option to private car use and eases limited capacity on public transport to support London's restart and recovery (and potential for further restrictions) and enables the assessment of e-scooters as a mobility option for the future.
16. TfL, London Councils and participating boroughs have been working closely to agree a set of requirements for a trial across a coordinated area in London, and setting standards that are important to local authorities, TfL and the Mayor for a scheme.

### **Trial Objectives**

17. Safety considerations underpin all objectives set out below; ultimately the Trial will help authorities to understand if and how e-scooters can be safely accommodated in the borough and in London.
18. The objectives for the trial are primarily to:
  19. To explore and understand the appropriate e-scooter operating standards, safety standards, environmental standards, regulations and city-level management powers required to ensure they benefit e-scooter users as well as Londoners as a whole. This insight through data collection and monitoring will inform authorities and the DfT ahead of any changes to relevant legislation.
  20. To understand the impact of e-scooters on air quality and demand for travel by car, walking, cycling as where e-scooters can enhance transport options and complement existing public transport.
  21. To establish the changes in infrastructure required for rental e-scooter schemes to deliver a safe and attractive environment on our streets.
  22. To understand User and non-User reaction to e-scooters, their attitudes and perceptions.
  23. To understand the commercial viability of rental e-scooters in London, determine any areas of market failure including inequality in access and to understand the total cost impacts for Boroughs and TfL.
  24. To understand how e-scooters might support ongoing restart and recovery objectives by providing a green alternative to both private car and capacity

restricted public transport, as part of London's wider re-opening following the coronavirus pandemic.

## **Monitoring**

25. TfL has purchased a complete monitoring platform that will work in conjunction with each operator. The borough has full access to all data collected and will review all aspects of the trial including, usage, key routes, parking, and compliance.
26. The borough will have a representative on the governing board of the trial alongside TfL and London Councils to ensure that any issues are raised at monthly review meetings.
27. TfL will oversee and monitor operator fleet and trip data using the monitoring system. This is a centrally managed data platform which all operators are required to utilise and provide data for. Real-time data and accurate GPS will assist the management and compliance of vehicle fleets and parking requirements. The borough will have access to this platform and can formulate monitoring programmes as necessary.

## **Reasons for Decision**

28. To better understand if and how these vehicles can be safely accommodated on both Hammersmith and Fulham and London's Streets, by collecting a robust evidence base on safety and other impacts caused or related to e-scooter use.
29. To respond to the COVID-19 pandemic and to allow for the Government's advice for social distancing and safe travel on public transport by increasing alternative transport options i.e. e-scooters can ease capacity constraints on public transport, help to alleviate congestion on local road networks and support sustainable and affordable local journeys.
30. Will help to assess whether e-scooters should be legalised in the UK as part of the wider long-term policy review by the Government.

## **Equality Implications**

31. Negative implications for groups with protected characteristics, under the Equality Act 2010, will need monitoring and managing for the duration of the trial. TfL and all operators have engaged with people with accessibility needs throughout the development of the trial and will work towards introducing more features such as audible signals for road users.
32. A full EQIA has been produced by TfL and a local version for Hammersmith and Fulham is being produced. This will be updated during the trial as other impacts are identified.

33. 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.
34. The council is also required to have due regard to the need to take steps to take account for people with a disability even where that may involve more favourable treatment to an individual or group impacted; 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.
35. These elements have been considered and incorporated into the trial in Hammersmith and Fulham and further information and data will be reviewed during the trial, for future decision making.

*Implications completed by: Richard Duffill, Borough Cycling Officer, 0208 753 1976*

## **Risk Management Implications**

36. Risks associated with participation in the trial are generally operational in nature and will require monitoring and managing for the duration of the trial.
37. The trial is intended to assess and gather robust evidence in respect of a number of factors including resident safety and other impacts caused by or related to e-scooter use.
38. The approach set out in the report is in line with the Council’s priorities, including being ruthlessly financially efficient.

*Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel: 07817 507 695*

## **Climate and Ecological Emergency Implications**



39. A successful trial is perceived to have the potential for contributing positively to the Climate and Ecological Emergency by reducing local car trips and resulting improvements to air quality from reduced NOx, PM2.5 and PM10 emissions and particulates.
40. Participation in the trial does not have any direct negative implications to the climate or ecology, however the success of the trial could lead to the uptake of an alternative mode of transport and support sustainable mobility for the future.

*Implications verified by: Hinesh Mehta, Strategic Lead, Climate Emergency, tel: 020 8753 6703*

## **Consultation**

41. TfL and London Councils has outreached to numerous groups of stakeholders using a variety of platforms to clarify the position from the DfT, TfL and London boroughs on the proposed trial and how it will minimise impact on disabled users and non-users and groups, vulnerable road-users and key stakeholders across London. Ongoing liaison throughout the proposal of the trial between the lead authority and stakeholders will continue to reduce potential impacts.
42. TfL and London Councils completed an informal consultation with over 30 dockless rental e-scooter operators as part of a soft market testing exercise in development of the specification and tender document. This included using examples from trials that have already started in the country.
43. H&F will engage with the Disabled Residents Team to understand concerns raised on a local basis and ensure ongoing engagement for the duration of the trial.
44. Officers are working with the council's Community Safety Team and local Police to share information with the public as well as ensure the legal status of trial e-scooters (and private e-scooters) is conveyed to all residents. Operators have been invited to brief the Community Safety Team officers in the first week of the trial.
45. Metropolitan Police Service (MPS) are supporting the Greater London rental e-scooter trial by working with TfL in the process of drafting proposals. They are included as a main stakeholder at monthly performance and metrics review meetings which will be undertaken over the course of the trial.
46. Operators will be holding activity and engagement events across the borough during the trial to focus on safety and training. Council officers will be co-ordinating with all three operators on local advertising campaigns and communication strategies.

## **LIST OF APPENDICES**

## Appendix 1. Scheme Proposals and Parameters (E-scooter Trial)

## **APPENDIX 1. SCHEME PROPOSALS AND PARAMETERS (E-SCOOTER TRIAL)**

1. The DfT published guidance documents in July 2020 outlined the methodology to the trial.
2. The DfT recommends agreeing a lead authority to administer the trial where areas include and involve several tiers of local government or transport authorities. It is expected that the lead authority (TfL & London Councils) will have strategic oversight across all local trial areas, ensuring consistency, commercial procurement expertise and IT system support. The multi-borough trial scope was agreed with all participating boroughs with input from borough officers and the police.
3. The DfT have indicated participating authorities can set local criteria and terms of the trial through the procurement process. All trials will be subject to Secretary of State approvals through Administrative Orders which will allow the trial to begin.
4. The DfT have indicated participating authorities will have significantly more power to manage rental e-scooter schemes compared to existing dockless bike hire, as operators will be entering contractual agreements which will be reviewed and agreed by the Secretary of State in the approvals process.
5. Maximum permitted vehicle numbers at the commencement of the trial and an ongoing 'Dynamic Fleet Cap' process will manage operator's overall fleet numbers based on their performance against TfL's monitoring metrics and will involve review processes with relevant stakeholders.
6. E-scooters cannot be used on pavements and other pedestrianised areas of public space and this approach, along with strict controls on where e-scooters can be parked, will minimise risks to pedestrians and the elderly and the disabled on busy footways.
7. H&F borough responsibilities will include the designating of parking bays, local requirements and 'key zones' where all vehicles will adhere to specific parking and operating requirements using geofencing technology. Such zones can be subject to changes over the course of the trial as per local requirements.
8. It is expected approximately 70 bays will be needed to accommodate the number of vehicles deployed within the borough, (initially starting at around 50), with consideration that Hammersmith and Fulham is a 'destination' borough. This is likely to be intensified over the course of the trial as changes in number of vehicles will be closely monitored.
9. The DfT have made necessary changes to the Traffic Signs Regulations and General Directions (TSRGD) signs manual to make cycle signage applicable to e-scooters. A borough-wide Traffic Order change will be required to permit the use of vehicles and convert designated bays for parking, such bays will be fully enforceable.

10. Under the DfT guidance, use of helmets are not compulsory, however under TfL & London Councils proposal, borough officers have strongly recommended the use of helmets during hire and it is expected that the selected operators will actively encourage users to wear a cycle-compliant helmet during use.
11. In the event a change is required for safety, scheme feasibility or any other changes needed to retain viability of the trial, selected operators must agree to changes to the contract. Persistent breaches of such conditions will allow a participating borough to exit the trial or could lead to the DfT revoking the operator's licence to operate.
12. Any Traffic Order changes for the purpose of the trial will be executed through Experimental Traffic Orders.
13. On completion of the trial, operators must remove all vehicles from the streets unless an additional competitive process has been taken for further rental e-scooter activity in London, and that the operator/s have successfully secured the right to continue operations, or by agreement the trial period has been extended with the existing terms and conditions.
14. The trial in Hammersmith and Fulham will have dedicated parking bays for e-scooters.
15. The trial will require that insurance policies will be required under legislation and they will be required to cover third-party liability. The trial will also require users to hold a relevant driving licence (category AM, A1, A2, A or B licence). However, the law is subject to amendment after the trial to remove such requirements.
16. The DfT are satisfied with vehicle construction and other measures to mitigate safety risk and that these are sufficient to legalise rental e-scooters for use in trials across the UK. This has informed, the emergent view amongst scheme sponsors that the trial should not be prevented on the grounds of a safety risk.
17. The DfT is only permitting the trialling of rental e-scooters and online guidance has been updated to clarify the position that privately-owned e-scooters will remain illegal throughout the trial period.