

Report of: Executive Member of Environment and Transport

Meeting of:	Date	Ward(s)
Executive	28 September 2017	All

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SUBJECT: Dockless Cycle Sharing Policy**1. Synopsis**

- 1.1 To introduce a Council policy for providing dockless cycle sharing in the Borough, subject to need and consultation requirements.
- 1.2 The Council have been approached by a number of external dockless cycle providers who wish to establish dockless cycle hire provision in the borough.

2. Recommendations

- 2.1 To approve the introduction of dockless cycle schemes in the borough, subject to the terms of the Memorandum of Understanding.
- 2.2 To delegate the agreement and terms of the Memorandum of Understanding (MoU) to the Corporate Director for Environment and Regeneration in consultation with the Executive Member for Environment & Transport.

3. Background

- 3.1 Dockless cycles contain a GPS tracker that enables them to be located and rented via a smartphone application, which provides customers with access to unlock the cycles. Once unlocked, customers use the bikes to travel to their destination, locking the bike and 'ending' the trip on the app that completes the journey and leaves the bike available for the next user.
- 3.2 Dockless cycle hire is already operating in a number of cities in the country, including Manchester, Bristol and Cambridge. A number of London Boroughs have been approached by dockless cycle hire companies with a view to them working with authorities to establish their businesses in boroughs, particularly inner London authorities.

- 3.3 It is proposed that the Council establishes a Memorandum of Understanding (MoU) to be signed by any dockless cycle operators who wish to operate in Islington. This is vital to ensure that we maintain a safe environment for all road users and especially for pedestrians and vulnerable road users, who need to have access to footway spaces not cluttered with hazards, such as bikes left in unsafe and obstructive locations. Under the Equality Act 2010 Local Authorities have an obligation to take into consideration issues that may impact on these user group. Ensuring an unobstructed footway is paramount to meeting this obligation.
- 3.4 Operators who work with the Council will be required to enter into a Memorandum of Understanding (MoU), which sets the contributions we would require from operators. It is proposed that we seek an annual payment, costs to cover any parking bay amendments, and a contribution to promote cycling and associated safety campaigns in the borough.
- 3.5 We will work closely with providers to ensure that costs to service users are kept affordable and will insist through the MoU that all deposits should be refundable if users wish to withdraw from the scheme.
- 3.6 Providers will be required to ensure that dockless cycles have GPS tracking and a Geo-fencing system to communicate to users where rentals can be ended in order to prevent a build-up of bikes in an untidy and unsafe manner in popular areas. The Council will require providers to remove cycles that have been identified as attracting anti-social behaviour at locations in the borough. The Council will have the right to make amendments to the MoU to reflect locations that are identified as unsuitable for dockless cycle hire due to associated anti-social behaviour issues, theft, or otherwise deemed as unsuitable for the location.
- 3.7 Council officers will work closely with dockless cycle operators to ensure that the MoU is adhered to. The terms below will form part of the terms and conditions that dockless cycle operators will be expected to sign and agree to;
- Operator is compliant with all applicable UK law.
 - Operator has formal constitution and/or is a limited/ company with public liability insurance.
 - Operator must submit regular operational reports to the Council.
 - Operators should be an accredited London Living Wage Employer.
 - Operators must be able to clearly demonstrate that they have a plan and the capability to manage rebalancing of bikes and are able to remove bikes in response to planned events
 - Operators must remove bikes at the request of the Council or private landowner within an agreed timeframe at their own expense.
 - Where bikes have been removed as an obstruction either by the Council or emergency services the operator will be liable to pay all such costs for recovery.
 - All operators must have a procedure for emergency planning that is agreed by the Council.
 - Bicycles shall have a unique identifying number clearly displayed on the cycle, as well as a telephone number that can be used to report any issues with the bikes.
 - Operators must ensure that as a minimum they have public liability insurance.
 - Cycles must meet BS EN ISO 4210:1-9 standards. Ensuring that adequate lighting is provided is part of the standard.
 - Operators must implement a servicing and maintenance regime to ensure the bikes meet the minimum standards under UK law.

- User info and T&Cs must be available and clearly communicated to the customer, including on the website and mobile application.
- Prices, deposits, fines and changes to pricing structure must be transparent and reasonable and clearly communicated to the customer.
- Operators must have the mechanisms in place to deal with financial transactions appropriately, including customer deposits being returned within a reasonable timeframe.
- Operators will need to minimise the risk of bike theft, and safeguard against the possibility of fraudulent use of credit cards (or other payment methods) to obtain bikes for criminal purposes, including phone snatch etc.
- There must be a clear complaints policy.
- Operators should make a communications channel available to customers for complaints/questions and to report unsafe or damaged cycles.

- 3.8 As part of the implementation of the scheme we will work with the dockless cycle operators to identify parking bays that can be converted into dockless cycle hubs at locations where there is heavy pedestrian footfall and existing high demand for cycle parking. Any associated costs will be met by the dockless cycle operators.
- 3.9 TfL and the Mayor welcome innovation and wish to encourage and facilitate new opportunities to help people move around London, especially where this can be done in ways that promote Transport for London's vision of healthy streets, encouraging cycling and walking, helping to address congestion and improving air quality. TfL will work with the Boroughs to establish a code of conduct for dockless cycle operators and will work closely with new entrants to the London cycle hire market to ensure they contribute to an enhanced experience for all, consistent with the goals set out in the Mayor's draft Transport Strategy.
- 3.10 The whole borough is an Air Quality Management Area but the GLA have defined some focus areas for where the air quality is particularly bad:
- A1 Holloway Road between Highbury and Archway
 - Angel Town Centre
 - Seven Sisters Road at Finsbury Park
 - Kings Cross /Caledonian Road
 - The whole area south of Pentonville Rd/ City Rd, which includes the Old Street roundabout.
- 3.11 We currently have two 'Zero Emissions Networks' in the borough, one covering Bunhill Ward (ZEN City Fringe) and the other at Archway. In these areas the Council is working intensively with businesses to reduce air pollution and promote active sustainable transport. The Council is providing two new electric vehicle charging points in Giesbach Road and St. Johns Grove, as well as a rapid charger in Pemberton Gardens. Dockless cycle hubs could contribute to the success of the ZEN areas, particularly at Archway where there is no existing cycle hire scheme.
- 3.12 To be able to manage our highway network and keep the street environment safe for all road users we are required to ensure we keep the highway clear of obstructions and it is the intention of the Council to seek to prosecute dockless cycle companies who do not sign up to or adhere to the Memorandum of Understanding (MoU) under section 137 of the Highways Act 1980. The Council also has powers to require obstructions to be removed by serving a notice, or, where the obstruction is a danger or nuisance, the Council can remove the obstruction without notice.

- 3.13 Either party can terminate the Memorandum of Understanding (MoU) by giving one month's notice in writing to the other party.

4. Implications

4.1 Financial implications:

The introduction of the dockless cycle hire policy does not commit any of the Council's financial resources. Operators who work with the Council will be required to enter into a Memorandum of Understanding (MoU), which sets the contributions we would seek from operators. This contribution would cover all operational costs and amendments to traffic orders.

4.2 Legal Implications:

Under section 137 of the Highways Act 1980 it is an offence to obstruct the free passage along a highway without lawful authority or excuse.

The Interpretation Act 1978 defines "person" as including "a body of persons corporate or unincorporate". Furthermore, we could prosecute individual directors or officers of the company (by virtue of section 314 of the Highways Act) where they have consented or allowed the highway to be willfully obstructed by the company. The Council also has powers to require obstructions to be removed by serving a notice, or, where the obstruction is a danger or nuisance, the Council can remove the obstruction without notice.

In order to provide cycle parking places on the highway the Council would seek to make a traffic order under the Road Traffic Act 1984, section 45.

4.3 Environmental Implications

No negative environmental impacts are expected. If more individuals participate in cycling as a mode of travel there is a potential for modal shift from vehicles, which will bring about associated environmental benefits, such as improved air quality. Operators will be managed to ensure that the highway network is kept clear from obstructions that may visually impact upon the environment.

4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has been completed for the purpose of the report but there will need to be site specific assessments carried out when locations and subsequent consultees have been identified.

5. Reasons for recommendations

- 5.1 The Council's Corporate Plan 2015-2019 sets out a clear vision "to make Islington fairer and create a place where everyone, whatever their background, has the same opportunity to reach their potential and enjoy a good quality of life".
- 5.2 One of the key priorities is focused on making Islington a place where our residents have a good quality of life, and the introduction of dockless cycle schemes contributes towards this priority by enabling access at multiple locations across the borough to dockless cycles, which will encourage more physical activity amongst residents and visitors and lead to healthier lifestyles.

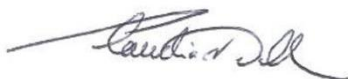
- 5.3 Islington's strategic policies, including the Air Quality Strategy promote the uptake of more sustainable travel by residents and visitors in the borough to help improve local air quality, dockless cycle schemes will contribute to improved local air quality and may influence behaviour towards a more sustainable mode of transport.
- 5.4 By working together with dockless cycle operators, we will be encouraging active travel and reduce the need for car dependency.
- 5.5 By entering into a Memorandum of Understanding we will establish operating procedures and promote good practice for those operators who wish to establish their companies in the borough.
- 5.6 Failure to adhere to the Memorandum of Understanding may result in enforcement action being taken under the Highways Act 1980.
- 5.7 By encouraging and facilitating operators to establish dockless cycle facilities in the borough we are assisting in;
- Providing access to on demand bike hire within the London Borough of Islington
 - Increasing cycling
 - Reducing pollution
 - Improving knowledge of transport behaviours.

Appendices – none

Background papers - none

Final report clearance:

Signed by:



Executive Member for Environment & Transport

15 September 2017

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