



## Report of: Executive Member for Transport and Environment

Meeting of:	Date:	Ward(s):
Council	26 September 2019	All

Delete as appropriate:		Non-exempt
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## **SUBJECT: London Councils' Transport and Environment Committee – Governing Agreement Amendment for Greater London Dockless Vehicle Hire Byelaw**

### **1. Synopsis**

- 1.1 London Councils' Transport and Environment Committee (LCTEC) has proposed making a pan- London Dockless Vehicle Hire Byelaw on behalf of all London boroughs to prohibit bike operators from parking dockless bikes anywhere other than at approved parking spaces across Greater London.
- 1.2 The byelaw would apply to all dockless hire vehicles, including e-scooters and other micromobility vehicles that might become legal to ride on the carriageway in future.
- 1.3 LCTEC are proposing changes to their governing agreement to provide authority to make a byelaw regulating dockless vehicles on the highway and in other public places across London and manage such arrangements on behalf of all London local authorities.
- 1.4 In order for LCTEC to make a byelaw for regulating dockless vehicles across London, it is necessary for all 33 London local authorities to delegate authority to LCTEC to make this byelaw. This report therefore recommends that the Council resolves to delegate authority to LCTEC to make a byelaw as outlined in paragraph 3.5 below.

### **2. Recommendations**

- 2.1 To agree to delegate authority to London Councils Transport and Environment Committee to make a byelaw to regulate dockless vehicles in Islington, as set out in paragraph 3.10 below.

- 2.2 To agree to authorise the Council's Acting Director of Law and Governance to sign any necessary documents to give effect to the amendment to the London Councils' Transport and Environment Committee Governing Agreement dated 13 December 2001 (as amended).

### **3. Background**

- 3.1 As a Council we are committed to encouraging more people to adopt sustainable transport options to both allow them to enjoy the health benefits this can bring, and to reduce toxic emissions motor traffic produces in the borough. Dockless bikes can play an important role in helping more people to cycle.
- 3.2 Singapore company O Bike brought about 400 dockless hire bikes to London in 2017. This was unsanctioned by boroughs and the bikes were removed by Hammersmith and Fulham Council under the Highways Act (1980) as obstructions. Since then, most dockless operators have worked in London boroughs by agreement. However, we are also fully aware of some issues that have arisen with how the different companies have operated in the borough and elsewhere.
- 3.3 Whilst the Council currently has no legal powers to either prevent dockless bike companies from operating in the borough, or to do so in any particular way, in September 2017 the Council created a Memorandum of Understanding (MoU), to be signed by any dockless cycle operators who wish to operate in Islington, which sets out clear standards and service guidelines, including procedures for reporting any bikes causing an obstruction to pedestrians. The Memorandum was necessary to ensure that we maintain a safe environment, particularly for pedestrians and vulnerable road users, who need to have access to footway space not blocked by dockless bikes left in unsafe and obstructive locations. The MoU allows the Council to ask operators to remove cycles that have been identified as a hazard and/or attracting anti-social behaviour at locations in the borough.
- 3.4 There are two codes of practice (Transport for London and Bikeplus), which ask operators to work in boroughs only where they have agreement with the authority. However, these are not legally binding and the Highways Act is no longer considered sufficient to remove dockless bikes in future. An example is Mobike whose bikes are deployed in several boroughs without agreement. In Islington there are currently three operators working under a Memorandum of Understanding (MoU). They have committed to encouraging responsible parking from their users and have Good Parking Guides, and all their bikes have geo-tracking so they can be located at all times. The Council also meets regularly with these operators to address any issues
- 3.5 At its meeting on 21 March 2019, London Councils' Transport and Environment Committee (LCTEC) agreed that the correct future approach for dockless bike sharing is to move away from the status quo, where boroughs reach individual agreements with specific operators, and instead move to borderless operations throughout Greater London. As an existing joint committee representing all of London's local highway authorities, LCTEC agreed that it is a suitable body to undertake both the promotion and making of such pan-London byelaw.
- 3.6 For LCTEC to be able to do this however, the London Councils' TEC Agreement needs to be amended. At its meeting on 13 June 2019, LCTEC agreed to start the process of amending this agreement, to delegate the boroughs' functions relating to making and promoting the

pan-London dockless byelaw to the Transport and Environment Committee (see report at Appendix 1).

- 3.7 The reason the agreement needs to be amended, is because the local authorities' byelaw making function enabling the making of a pan-London byelaw for dockless bike parking is not currently delegated to LCTEC and the Joint Committee therefore does not currently have the authority to undertake this function on behalf of the London local authorities. (see Explanatory Note at Appendix 2).
- 3.8 The proposed delegation is highly restricted. The delegation is not a transfer of the Council's powers in respect of dockless bikes parking to LCTEC, but just allows for LCTEC to make and promote a pan-London byelaw. There was no provision for this included when the LCTEC Agreement was first established.
- 3.9 Signing the amendment to the LCTEC Agreement does not mean any loss of control of the Council's assets or powers, and the Council has been assured by LCTEC that the extent of dockless bike parking and the enforcement of the byelaw (including prosecution) in Islington would remain a matter for local decision-making and control, at the discretion of the Council.
- 3.10 LCTEC are requesting that each London local authority agree to the following amendment to the LCTEC Governing Agreement by way of an addition to the Part 3(D) Functions inserting a new paragraph 2(c), as follows:

*(c)(i) The making of byelaws under section 235 of the Local Government Act 1972 (and, in respect of the City of London Corporation), under section 39 of the City of London (Various Powers) Act 1961) for the purpose of regulating dockless vehicles on the highway and / or public places (including by making it an offence for a dockless vehicle operator to cause or permit their dockless vehicles to be left of the public highway or public place other than in an approved location), including taking all related steps to promote, make, amend and revoke any such byelaw.*

*(c)(ii) The exercise of powers under section 1 of the Localism Act 2011 for the purposes of giving effect to (i) above, including but not limited to oversight and management of the arrangements (but excluding prosecution off other enforcement).*

- 3.11 Each of the London local authorities is requested to have approved and signed the delegation by **5 December 2019**. See request at Appendix 3.
- 3.12 With the byelaw in place, the next steps for the Council would be to decide:
1. Approved parking spaces permitted for dockless bikes to park in.
  2. Whether the Council would create a new permit system for dockless operators or continue to use MoUs.
  3. The fee level/mechanism to operators for the permit or MoU.
  4. How the Council's penalty system would operate.
- 3.13 By agreeing this delegation, the Council will be taking action alongside boroughs across London to ensure the benefits of cycling can be enjoyed by more people, whilst managing the operation of dockless bike companies in a more co-ordinated and impactful way.

## **4. Implications**

### **4.1 Financial implications:**

In 2017/18 we secured income from two operators (Mobike and Ofo) and in 2018/19 we stand to secure income from three operators (Lime, Jump and Freebike).

Under the new byelaw the Council could continue to work under an MoU with operators (or create a permit system) at similar price levels to the current MoUs.

### **4.2 Legal Implications:**

In accordance with Section 101(5) of the Local Government Act 1972, two or more local authorities may discharge any of their functions jointly. Where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs. These powers enable the Council to delegate functions to LCTEC.

The proposed delegation of functions to LCTEC set out in paragraph 3.7 of this report is required to be approved by full Council as those further functions include non-executive functions.

### **4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:**

Dockless bike hire consists of pedal cycles and electric bikes. Both are sustainable forms of transport improving local air quality. Electric bikes are zero carbon as long as they are charged with energy from a sustainable source. Promoting bike hire therefore contributes to achieving net zero carbon by 2030.

Any modal shift from motor vehicles to cycling (both pedal cycles and electric) would:

- Reduce emissions and particulates
- Reduce traffic congestion

Any modal shift from motor vehicles to pedal cycling could:

- Reduce health issues associated with inactivity

### **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 Residential Impact Assessment has been carried out (06/09/19) and is attached at Appendix 4. It found that all users of dockless hire vehicles, pedestrians and other road users will positively benefit from the minimum safety standards. Operators would be made more accountable in respect of responsible parking. Additionally, GPS chips will assist in reducing bike theft crime. Both would benefit all pedestrians using the public highway in the borough. Furthermore, ensuring an unobstructed footway is paramount to meeting the needs of disabled and/or persons with restricted mobility.

Council officers meet regularly with operators to address any issues and ensure that operators are working collaboratively and responsibly. These meetings also seek to widen participation in the schemes.

## 5. Reason for recommendations

- 5.1 Approving the delegation to London Councils' Transport and Environment Committee will enable them to make a London-wide byelaw regulating the parking of dockless vehicles belonging to dockless operators.

## Appendices

- 1. LCTEC report on byelaw for dockless bicycles – 13.6.19
- 2. LCTEC byelaw - Explanatory Note
- 3. LCTEC delegation letter to Chief Execs – 8.8.19
- 4. Delegation and byelaw Resident Impact Assessment

**Background papers:** none

Final report clearance:

### Signed by:



18.09.19

Cllr Claudia Webbe, Executive Member for  
Environment and Transport

Date

Report Author: David Shannon  
Tel: 020 7527 4082  
Email: david.shannn@islington.gov.uk

Financial Implications Author: Owen Darracott  
Tel: 020 7527 2629  
Email: owen.darracott@islingtn.gov.uk

Legal Implications Author: David Daniels  
Tel: 020 7527 3277  
Email: david.daniels@islington.gov.uk