

DEVELOPMENT OF A DOCKLESS BIKE BYELAW ACROSS GREATER LONDON

Reporting Officer: Jean Palmer, Deputy Chief Executive and Corporate Director of Residents Services

SUMMARY

Members are asked to give consideration to a proposal for the adoption of a dockless bike parking byelaw across the whole of Greater London. The report sets out the requirements for the London Borough of Hillingdon should the Council wish to support this proposal.

RECOMMENDATIONS: That

- a) Consideration be given to the proposals set out in this report for the introduction of a dockless bike byelaw in Greater London being proposed by the London Councils Transport & Environment Committee (LCTEC) and, if approved, authority be delegated to LCTEC to exercise the following function by way of an addition to the Part 3(D) Functions (*within LCTEC Governing Agreement [consolidated version] 13th December 2001*) 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 vehicle to be left on the 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 give effect to (i) above, including but not limited to oversight and management of the arrangements (but excluding prosecution or other enforcement).

- b) the Deputy Chief Executive and Corporate Director of Residents Services write to London Councils to set out the decision made by Council.

SUPPORTING INFORMATION

1. Dockless bike hire schemes are becoming more prolific in urban areas across the globe and some are already in place in parts of London, operating in several London boroughs. A key feature of a dockless bike scheme is that these bikes can be picked up and left at any location. However, a negative impact of this is that bikes can be left in any inappropriate location, causing accessibility issues and a negative impact on the local street scene.
2. Currently, there are no dockless bike schemes operating within the London Borough of Hillingdon and to date officers are not aware of any aspirations from Members to support such a scheme. In contrast, Hillingdon have recently supported the successful implementation of the Santander docked bike scheme, installed at Brunel, Hillingdon Hospital and Uxbridge Town Centre. This scheme is one of the most well

used schemes of its kind in the country with each bike having an average of three hires a day. Due to the success of the scheme, officers with the support of the Cabinet Member for Planning, Transportation and Recycling are looking at the possibility of the phased expansion of the docked bike hire scheme to other suitable sites in Hillingdon.

3. Although there are currently no dockless bike operators operating in Hillingdon, there may be future requests from operators for expansion into the Borough. In addition, should neighbouring authorities agree to such schemes, there is potential for dockless bikes to be inadvertently brought in and left within the Hillingdon boundary.
4. Experience in the UK and abroad has shown that if poorly managed, dockless bike schemes can result in frequent complaints about dumped, neglected or poorly sited bikes and inevitably the first port of call for anyone aggrieved at the problem is invariably the local Council. Groups lobbying on behalf of disabled pedestrians have raised concerns about a proliferation of badly-parked 'street clutter' causing trip hazards.
5. This has been a matter of some concern to a number of local authorities, a few of whom have been keen to embrace the concept of dockless bikes but whatever their views, many remain concerned at the risks of an unregulated/ uncontrolled expansion. Already, some operators have pulled out of major schemes, some citing problems of vandalism or poor take-up, leaving problems in their wake for the local authorities concerned.
6. Section 235 of the Local Government Act 1972 grants local authorities the power to create byelaws 'for good rule and government and suppression of nuisances'. Understandably these powers are vested in the individual authorities, and whilst it would be feasible for all 33 relevant authorities in London to enact their own independent broadly complementary byelaws, this would be inefficient and could lead to the risk of both inconsistencies and practical enforcement problems.
7. London Councils represents all 32 boroughs and the City of London on a number of pan-London issues. It is a cross-party organisation that works on behalf of all its member authorities regardless of political persuasion. The development of a Greater London byelaw is currently seen as the best available option to arrive at a pragmatic workable solution for all local authorities, whether they support or oppose the introduction of dockless bikes in their domain, as Central Government does not currently plan to promote any fresh legislation concerning dockless bikes.
8. In order to control inappropriate parking of dockless bikes across London, the London Councils Transport and Environment Committee (LCTEC) have overseen the drafting of a proposed draft byelaw for the regulation of dockless bikes in London. The proposed byelaw puts forward a prohibition against dockless vehicles being parked anywhere apart from in designated parking areas. The byelaws are in short form and are attached as **Appendix A** to this report.

The key elements of the proposed byelaw are summarised below:

- They will apply through the whole of Greater London;
- They will apply to dockless bike and e-bikes and could be adapted to electric kick scooters or other micro-mobility vehicles;
- They will set out a minimum safety standard for all bikes;

- They will require all bikes to be chipped to ensure that their whereabouts can always be tracked. This information would be publicly available;
 - They will require all bikes to be left [whether by dockless operators or their customers] only on places agreed by the relevant local authority, and makes it an offence for dockless operators to place or allow their bikes to be parked anywhere other than at a location agreed by the local authority; and;
 - They will set a penalty for a dockless operator committing a criminal offence.
9. The draft byelaw has been developed with the input of borough officers by London Councils with the support of a series of workshops. The intention is that all boroughs introduce the byelaw so that the same powers are used uniformly throughout London; this should provide certainty for all relevant stakeholders including residents, businesses, commuters and dockless bike operators.
10. The London Borough of Hillingdon would only be agreeing that they issue authority to London Councils to make and promote this byelaw. The delegation of this authority is not a transfer of the Authority's powers in respect of dockless bike parking to London Councils, only the transfer of authority for London Councils to make and promote a pan-London byelaw, on our behalf.
11. It should be noted that London Councils have assured the Council that the byelaw will apply to any form of dockless transport, including electric scooters if and when such transport may be formally governed legalised by any new legislation that might be promoted by the Department for Transport at some future date.
12. The key point from Hillingdon's perspective is that by agreeing to the London-wide promotion of the byelaw, control of whether or not dockless bikes are allowed to operate within Hillingdon remains entirely under the control of the Council.

Financial Implications

There are no identified financial implications to the Council related to the recommendations set out in the report.

Legal Implications

The London Councils' Transport and Environment Committee, in its capacity as an existing joint committee, represents all London Boroughs and therefore it is a suitable body to undertake both the promotion and making of the byelaws which are the subject of this report

However, it is important to emphasise that if full Council agrees the recommendations in the report, the extent of dockless vehicles parking and the enforcement of the byelaws would be a matter of local decision-making and control, at the discretion of each of the London Boroughs.

The legal power to make byelaws, and the procedure for making them, is well established by the Local Government Act 1972. The proposed byelaws are in short form but the Borough Solicitor can confirm that they are sufficiently robust. The key elements of the byelaws are summarised in the body of the report and they are also attached as an Appendix to the report.

Section 237 of the Local Government Act 1972 provides that it is a criminal offence to contravene a byelaw which can result in prosecution. This is emphasised in paragraph 6 of the proposed byelaws which provides that any person offending the byelaws shall be liable to pay a fine up to £500, upon being convicted in a Magistrates Court. The Council would be the prosecuting authority.

Background Papers:

- London Councils' Transport and Environment Committee: Dockless Bicycles - Londonwide Bylaw - briefing note (13th June 2019)
- London Councils TEC Delegation dockless bylaw - Explanatory note (not dated)
- The Greater London Dockless Vehicle Hire Byelaws - Draft Bylaw (29th July 2019)